

relating to conditions in East Galicia; to the Committee on Foreign Affairs.

6720. Also, petition of Washington Presbytery, Washington, Pa., urging the passage at an early date of Senate bill 4092, for the purpose of giving asylum to Turkish refugees; to the Committee on Immigration and Naturalization.

6721. By Mr. TIMBERLAKE: Resolution from the General Henry W. Lawton Camp, No. 1, United Spanish War Veterans, Denver, Colo., relative to the unjust attitude of the Bureau of Pensions in construing liberally the provisions of the Sells Act granting pensions to the veterans of the Spanish-American War; to the Committee on Pensions.

6722. By Mr. VARE: Petition of the Philadelphia Board of Trade, indorsing the administration of Attorney General Daugherty; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, January 3, 1923.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we bless Thee this morning that notwithstanding the passage of the years Thou art the same yesterday, to-day, and forever. Looking unto Thee as we enter upon the duties of the new year, we ask for wisdom, we ask for strength of purpose, and such conviction of right and of responsibility that the days as they come and go may reveal to us more and more that along the untrodden pathways we are divinely guided and helped. Bless all for whom we shall pray this morning who bear burdens for State and for Nation, and may great grace be our portion. Through Jesus Christ, our Lord. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Wednesday, December 27, 1922, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McCormick	Robinson
Ball	George	McCumber	Sheppard
Bayard	Hale	McKellar	Smoot
Borah	Harrell	McLean	Spencer
Brookhart	Harris	McNary	Stanfield
Bursum	Harrison	Myers	Sterling
Calder	Heflin	Nelson	Sutherland
Cameron	Hitchcock	New	Townsend
Capper	Johnson	Nicholson	Trammell
Caraway	Jones, N. Mex.	Norbeck	Underwood
Colt	Jones, Wash.	Norris	Wadsworth
Couzens	Kellogg	Oddie	Walsh, Mass.
Culberson	Kendrick	Overman	Walsh, Mont.
Curtis	King	Pepper	Warren
Dial	Ladd	Phipps	Watson
Dillingham	La Follette	Pittman	Weller
Elkins	Lenroot	Pomerene	
Ernst	Lodge	Ransdell	

Mr. CURTIS. I wish to announce that the Senator from Ohio [Mr. WILLIS] is necessarily detained because of illness in his family.

The VICE PRESIDENT. Seventy Senators have answered to their names. A quorum is present.

REPORT OF THE FEDERAL POWER COMMISSION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, chairman of the Federal Power Commission, transmitting, pursuant to law, the second annual report of the Federal Power Commission for the fiscal year ended June 30, 1922, containing information relative to permits and licenses issued under the Federal water power act, which was referred to the Committee on Commerce.

REINTERMENT OF SOLDIER DEAD.

The VICE PRESIDENT laid before the Senate a communication from the Quartermaster General of the Army, transmitting a list of American soldier dead returned from overseas to be reinterred in the Arlington National Cemetery Thursday, January 4, 1923, at 2.30 p. m., which was ordered to lie on the table for the information of the Senate.

SENATOR FROM CALIFORNIA.

The VICE PRESIDENT laid before the Senate the credentials of HIRAM W. JOHNSON, chosen a Senator of the United States from the State of California, which were read and ordered to be placed on file, as follows:

STATE OF CALIFORNIA,
Executive Department.

To all to whom these presents shall come, greeting:

Know ye that whereas it appears from the statement of the vote made by the secretary of state, and filed in his office, a copy of which has been transmitted to this office, that at the general election held on Tuesday, the 7th day of November, A. D. 1922, in this State HIRAM W. JOHNSON received the highest number of votes cast for the office of United States Senator.

Now, therefore, I, William D. Stephens, as Governor of the State of California, in the name and by the authority of the people of the State of California, do hereby commission him, the said HIRAM W. JOHNSON, United States Senator from the State of California.

In testimony whereof I have hereunto set my hand and caused the great seal of the State to be affixed at the city of Sacramento this the 18th day of December, A. D. 1922.

[SEAL.]

By the governor:

WM. D. STEPHENS, Governor.

FRANK C. JORDAN, Secretary of State.

PETITIONS AND MEMORIALS.

Mr. ROBINSON presented a telegram in the nature of a memorial from Oliver C. Fuller, chairman special committee on taxation of the American Bankers' Association, protesting against the passage of the so-called Kellogg bill relative to taxes on national banks by States, and urging that no immediate legislation be adopted placing banking capital in a separate class for unlimited taxation and that whatever legislation may be passed contain no clause ratifying past illegal taxation, which was referred to the Committee on Banking and Currency.

Mr. CAPPER presented a petition of the Rural Letter Carriers' Association, of Cherokee County, Kans., praying for the passage of legislation providing a maintenance allowance of \$600 per year for rural carriers, etc., which was referred to the Committee on Post Offices and Post Roads.

Mr. TOWNSEND presented a petition of sundry citizens of Lawrence and Hartford, in the State of Michigan, praying for the passage of legislation providing an adequate rural-credit system, etc., which was ordered to lie on the table.

Mr. WARREN presented a petition of sundry citizens of Dubois and Dunois, in the State of Wyoming, praying for the passage of legislation placing third-class postmasters under civil-service rules and regulations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the board of directors of the Thermopolis (Wyo.) National Farm Loan Association, favoring the passage of legislation amending certain sections of the Federal farm loan act, especially relative to the present loan limit, which was referred to the Committee on Banking and Currency.

Mr. KENDRICK presented resolutions adopted by the boards of directors of the National Farm Loan Associations of Lost Springs, Cokeville, and Thermopolis, in the State of Wyoming, favoring the passage of legislation amending certain sections of the Federal farm loan act, especially relative to the present loan limit, which were referred to the Committee on Banking and Currency.

Mr. LADD presented the petition of Rev. J. Fontana and 23 other citizens of New Salem, N. Dak., praying for the passage of legislation extending immediate aid to the famine-stricken peoples of the German and Austrian Republics, which was referred to the Committee on Foreign Relations.

He also presented the petition of Ed Olson and 24 other citizens of Ryder, N. Dak., praying for the enactment of legislation stabilizing the prices of farm products, which was referred to the Committee on Agriculture and Forestry.

BRIDGE ACROSS TUG FORK OF BIG SANDY RIVER.

Mr. CALDER. From the Committee on Commerce I report back favorably, with an amendment, the bill (H. R. 12473) granting the consent of Congress to the Wynco Block Coal Co., a corporation, to construct a bridge across the Tug Fork of Big Sandy River, in Mingo County, W. Va., and I submit a report (No. 967) thereon. I ask unanimous consent for the present consideration of the bill.

Mr. UNDERWOOD. May I ask the Senator a question? The only reason why I ask the question is that the other day we thought we were passing an ordinary bridge bill, but we found later that it was something else. Is this just an ordinary bridge bill?

Mr. CALDER. I can assure the Senator that the four bills which I am authorized to report are ordinary bridge bills.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was, on page 1, line 3, to strike out "Wynco" and insert "Winco," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the Winco Block Coal Co., a corporation, its successors and assigns, to construct, maintain, and operate a suspension or foot bridge, and approaches thereto, across the Tug Fork of Big Sandy River, at a point

suitable to the interests of navigation, and at or near Nangatuck, in the county of Mingo, State of West Virginia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the Winco Block Coal Co., a corporation, to construct a bridge across the Tug Fork of Big Sandy River, in Mingo County, W. Va."

SUSQUEHANNA RIVER BRIDGE.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 12170) to revive and reenact the act entitled "An act to authorize the commissioners of Lycoming County, Pa., and their successors in office to construct a bridge across the West Branch of the Susquehanna River from the foot of Arch Street, in the city of Williamsport, Lycoming County, Pa., to the borough of Duboisstown, Lycoming County, Pa.," approved August 11, 1916, and I submit a report (No. 966) thereon. I ask for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the act approved August 11, 1916, authorizing the commissioners of Lycoming County, Pa., and their successors in office to construct a bridge across the West Branch of the Susquehanna River from the foot of Arch Street, in the city of Williamsport, Lycoming County, Pa., to the borough of Duboisstown, Lycoming County, Pa., be, and the same is hereby, revived and reenacted: *Provided,* That this act shall be null and void unless the actual construction of the bridge hereby authorized be commenced within one year and completed within three years from the date of approval hereof.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ST. FRANCIS RIVER BRIDGE.

Mr. CALDER. From the Committee on Commerce I also report back favorably with an amendment the bill (S. 4116) granting the consent of Congress to the State Highway Commission of Missouri, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the St. Francis River, in the State of Missouri, and I submit a report (No. 965) thereon. I ask for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole. The amendment was, on page 1, line 6, after the word "point," to insert the words "suitable to the interests of navigation," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission of Missouri and its successors and assigns to construct, maintain, and operate a bridge and approaches thereto across the St. Francis River, at a point suitable to the interests of navigation on the county line between Butler and Dunklin Counties, on the south line of section 3, township 22 north, range 8 east, in the State of Missouri, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906. Such bridge shall be a part of Federal aid project No. 212.

SEC. 2. That the right to alter, amend, or repeal this act is expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CALDER. From the same committee I also report back favorably without amendment the bill (S. 4122) granting the consent of Congress to the Interstate Toll Bridge Co. for construction of a bridge across Red River between Montague County, Tex., and Jefferson County, Okla., and I submit a report (No. 964) thereon. I ask for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Interstate Toll Bridge Co. to construct, maintain, and operate a bridge and approaches thereto across the Red River at a point suitable to the interests of navigation between Montague County, Tex., and Jefferson County, Okla., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROBINSON:

A bill (S. 4253) for the relief of Guy L. Hartman; to the Committee on Claims.

By Mr. BURSUM:

A bill (S. 4254) for the relief of Elizabeth McKeller; to the Committee on Claims.

By Mr. BALL:

A bill (S. 4255) for the relief of George T. Tobin & Son; to the Committee on Claims.

A bill (S. 4256) to dissolve the Colored Union Benevolent Association, and for other purposes; and

A bill (S. 4257) to amend an act of Congress approved June 18, 1898, entitled "An act to regulate plumbing and gas fitting in the District of Columbia"; to the Committee on the District of Columbia.

By Mr. McNARY:

A bill (S. 4258) for the relief of Albert Wood; to the Committee on Claims.

A bill (S. 4259) relating to the deposit of postal savings funds; to the Committee on Post Offices and Post Roads.

A bill (S. 4260) to extend the time for the construction of a bridge over the Columbia River between the States of Oregon and Washington, at a point approximately 5 miles upstream from Dalles City, Wasco County, in the State of Oregon; to the Committee on Commerce.

By Mr. LADD:

A bill (S. 4261) for the purchase of a Federal building site at Fargo, N. Dak.; to the Committee on Public Buildings and Grounds.

A bill (S. 4262) to create the American stabilizing corporation and to provide for stabilizing the prices of certain farm products; to the Committee on Agriculture and Forestry.

By Mr. LODGE:

A bill (S. 4263) for the relief of John F. O'Neil; to the Committee on Naval Affairs.

By Mr. WADSWORTH:

A bill (S. 4264) for the relief of the Union Shipping & Trading Co. (Ltd.);

A bill (S. 4265) for the relief of the New York & Cuba Mail Steamship Co., owner of the lighter *Lakeport*;

A bill (S. 4266) for the relief of the owners of the steamship *Ceylon Maru*; and

A bill (S. 4267) for the relief of Franklin P. Eastman, owner of the lighter *Eastman No. 14*; to the Committee on Claims.

AMERICAN REPRESENTATION ON REPARATION COMMISSION.

By Mr. ROBINSON:

A bill (S. 4268) authorizing representation of the United States on the Reparation Commission; to the Committee on Foreign Relations.

Mr. ROBINSON. Mr. President, I wish to state that it is my intention if the opportunity shall be presented to make a statement in respect to the bill some time to-morrow.

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL.

Mr. PHIPPS submitted an amendment proposing to appropriate \$100,000 for surveying oil and oil-shale lands, for surveys and resurveys under the rectangular system provided by law of public lands deemed to be valuable for oil and oil shale, including office work in offices of surveyors general, etc., intended to be proposed by him to House bill 13559, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. SPENCER submitted an amendment providing that Senators elected, whose term of office begins on the 4th day of March and whose credentials in due form of law shall have been presented to the Senate, or filed with the Secretary thereof, are authorized to appoint the same number of clerical assistants, at the same annual salaries, to which qualified Senators, not chairmen of committees, are entitled whose compensation shall be paid out of the appropriation for clerical assistance to Senators, intended to be proposed by him to House bill 13615, the second deficiency appropriation bill, 1923, which was referred to the Committee on Appropriations and ordered to be printed.

SHIPPING BOARD OPERATIONS.

Mr. FLETCHER. I submit the following resolution and ask for its immediate consideration.

The Assistant Secretary read the resolution (S. Res. 391), as follows:

Resolved, That the United States Shipping Board and the United States Shipping Board Emergency Fleet Corporation be, and they are hereby, directed to furnish to the Senate in the earliest possible time

information showing the different routes, lines, and services in which the Shipping Board ships are now engaged and under what management and direction in each case.

Second, a statement of the profits and losses under each MO-4 contract entered into to date, naming the operators and the number and kind of ships in each service, and at the present time and particularly the operating revenues and expenses under each contract and route for the year 1922.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

Mr. JONES of Washington. Mr. President, I do not know whether or not I shall have any objection to the resolution, but I should like if the Senator from Florida would permit it to go over for a little while until I have an opportunity to examine it and probably talk it over with him. Then, later in the day, if there shall be no objection to the resolution, the Senator may call it up. The only thing which occurs to me is that if we disclose publicly the business of any one of these routes it may furnish very valuable information to our foreign competitors; and I know the Senator from Florida would not desire to do that any more than would I. That is the only thing I have in mind in reference to the resolution, and I should like to talk to the Senator about the terms of the resolution.

Mr. FLETCHER. I had not thought of that feature of the resolution. Of course, I do not wish to accomplish that. My main purpose, however, is to get the information which we sought to get at the hearings as to each shipping route. I wish to locate, if I can, where the losses are occurring; and I think if we had a report as to the operating expense and the revenue derived from each route, we should be able to ascertain where the loss was taking place and be able to correct it.

Mr. JONES of Washington. That is probable; but, of course, the resolution, if we agree to it, will make such information public. I should, therefore, like to have the Senator withhold the resolution for a little while in order that I may have an opportunity to talk it over with him.

Mr. FLETCHER. Let the resolution take that course, Mr. President.

The VICE PRESIDENT. The resolution will lie on the table.

SHIPPING BOARD CONTRACT FOR TANKERS.

Mr. FLETCHER. I ask unanimous consent for the present consideration of the resolution which I send to the desk and ask to have read.

The resolution (S. Res. 390) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the United States Shipping Board is hereby directed to furnish to the Senate in the earliest possible time a statement showing the substance of the contract made with the Swift-Shore Co. of New York for tankers, giving the number of tankers and the dead-weight tonnage; whether the Shipping Board built or caused to be built these tankers, and, if so, by whom and on what terms; whether the order was placed with the Northwestern Steel Co. of Portland, Oreg., and the cost per dead-weight ton of the tankers; the number of tankers built and the dead-weight tonnage; and whether added to the cost which will be stated there will be charges for insurance and interest or other charges.

Second. Were these tankers sold, and, if so, at what price; what proportion of the price was paid in cash; what portion was evidenced by note or notes and mortgages; and what were the terms as to interest and maturity?

Third. Whether these securities were sold, and, if so, at what price, when, and to whom?

Fourth. Give the dates when the contracts were made and the ships delivered; state the total cost to the Government and the total amount realized by the Government.

GRADING OF COAST GUARD OFFICERS.

Mr. JONES of Washington. Mr. President, House bill 10531 is what is known as the Coast Guard bill. It proposes to redistribute the personnel of the Coast Guard without increasing its membership so as to take care of a situation that is very deplorable and which if continued will probably result in the disintegration of the Coast Guard, as there will be no hope of promotion therein. The bill is now on the calendar, having passed the other House, and the Committee on Commerce of the Senate have reported it without amendment. I ask for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10531) to distribute the commissioned line and engineer officers of the Coast Guard in grades, and for other purposes, which was read, as follows:

Be it enacted, etc., That the number of permanent commissioned line officers of the Coast Guard now authorized by law shall be distributed in grades, as follows: One commandant, 7 captains, 12 commanders, 35 lieutenant commanders, 37 lieutenants, and 37 lieutenants (junior grade) and ensigns; and the number of permanent commissioned engineer officers now authorized by law shall be distributed in grades, as follows: One engineer in chief, 3 captains (engineering), 6 commanders (engineering), 12 lieutenant commanders (engineering), 22 lieutenants (engineering), and 42 lieutenants (junior grade) (engineering) and ensigns (engineering). Promotions to the grades created by this act, namely, captain (engineering), and commander (engineering), shall be made from the next lower grade by seniority: *Provided*, That lieutenants and lieutenants (junior grade), both line and engineering, may be promoted, subject to examination as provided

by law, without regard to number or length of service in grade, to such grades in the Coast Guard not above lieutenant commander or lieutenant commander (engineering) as correspond to the permanent ranks and grades that may be attained in accordance with law by line officers of the regular Navy of the same length of total commissioned service, and officers thus promoted shall be extra numbers in their respective grades, which extra numbers shall not at any one time exceed the following, respectively: Twenty lieutenant commanders, 15 lieutenants, 15 lieutenant commanders (engineering), and 8 lieutenants (engineering), but no officer shall be promoted under this proviso who would thereby be advanced in rank ahead of an officer in the same grade and corps whose name stands above his on the official precedence list: *Provided further*, That captains and captains (engineering) shall have the rank of, and be of corresponding grade to, captains in the Navy, and commanders (engineering) shall have the rank of, and be of corresponding grade to, commanders in the Navy.

SEC. 2. That the title of captain commandant in the Coast Guard is hereby changed to commandant. Hereafter the commandant shall be selected from the active list of line officers not below the grade of commander and shall have, while serving as commandant, the rank, pay, and allowances of a rear admiral (lower half) of the Navy: *Provided*, That any officer who shall hereafter serve as commandant shall, when retired, be retired with the rank of commandant and with the pay of a rear admiral (lower half) of the Navy on the retired list, and that an officer whose term of service as commandant has expired may be appointed a captain and shall be an additional number in that grade; but if not so appointed, he shall take the place on the lineal list in the grade that he would have attained had he not served as commandant and be an additional number in such grade: *Provided further*, That the engineer in chief, while so serving, shall have the rank, pay, and allowances of a captain (engineering) in the Coast Guard, and hereafter the engineer in chief shall be selected from the active list of engineer officers not below the grade of lieutenant commander (engineering): *And provided further*, That an officer who shall hereafter serve as engineer in chief shall, when retired, be retired with the rank of engineer in chief and with the pay of a captain (engineering) on the retired list, and that an officer whose term of service as engineer in chief has expired may be appointed a commander (engineering) and shall be an additional number in that grade; but if not so appointed, he shall take the place on the lineal list in the grade that he would have attained had he not served as engineer in chief and be an additional number in such grade: *And provided further*, That a constructor, after 10 years' commissioned service in the Revenue Cutter Service and Coast Guard, shall have the rank, pay, and allowances of a lieutenant commander, and after 20 years' commissioned service the rank, pay, and allowances of a commander.

SEC. 3. That hereafter no commissioned officer of the Coast Guard shall be promoted to a higher grade or rank on the active list, except to commandant or to engineer in chief, until his mental, moral, and professional fitness to perform all the duties of such higher grade or rank have been established to the satisfaction of a board of examining officers appointed by the President, and until he has been examined by a board of medical officers and pronounced physically qualified to perform all the duties of such higher grade or rank: *Provided*, That if any commissioned officer shall fail in his physical examination for promotion and be found incapacitated for service by reason of physical disability contracted in the line of duty, he shall be retired with the rank to which his seniority entitled him to be promoted: *Provided further*, That hereafter when a commissioned officer of the Coast Guard who has had 40 years' service shall retire, he shall be placed on the retired list with the rank and retired pay of one grade above that actually held by him at the time of retirement; and, in the case of a captain, the rank and retired pay of one grade above shall be the rank of commodore and the pay of a commodore in the Navy on the retired list.

SEC. 4. That an ensign, an ensign (engineering), or a district superintendent with the rank of ensign, shall be required to complete three years' service in his grade, after which he shall be eligible for promotion to the next higher grade without regard to the number already in that higher grade.

SEC. 5. That nothing contained in this act shall be construed to reduce the rank, pay, or allowances of any commissioned officer of the Coast Guard as now provided by law.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE RULES OF THE SENATE.

The VICE PRESIDENT. Morning business is closed.

Mr. JONES of Washington. I ask unanimous consent to have taken from the table Senate Resolution 385 and that it may be now considered.

The VICE PRESIDENT. The Secretary will read the resolution.

The Assistant Secretary read the resolution (S. Res. 385) submitted by Mr. JONES of Washington December 22, 1922, as follows:

Resolved, That a special committee of five, to be composed of Senators who will be Members of the Sixty-eighth Congress, to be appointed by the Vice President, no more than three to belong to the same political party, is hereby authorized. Such committee is authorized and directed to study the rules of procedure of the Senate and to report and recommend what changes should be made in order to expedite business and to enable a majority to bring a question to a vote for final action and at the same time afford reasonable protection for the rights of the minority. Such committee shall submit its report and recommendations to the Senate on or before the second Monday after the opening of the first session of the Senate in the Sixty-eighth Congress.

Mr. HARRISON. Mr. President, did I understand the Senator from Washington to ask unanimous consent for the present consideration of the resolution?

Mr. JONES of Washington. Yes.

Mr. HARRISON. Reserving the right to object, will not the Senator allow the resolution to go to the Committee on Rules, and does he not think it is best that it should go to that committee so that it may consider the question involved?

Mr. JONES of Washington. If the Senator thinks that it should go there, I will not object to the resolution being referred to the Rules Committee. Of course, it speaks for itself; it is very plain, and I had hoped that the Senate would pass it and authorize the creation of the special committee, which can do nothing except investigate, study, and report its recommendations to the Senate. If, however, the Senator prefers that the resolution should go to the Rules Committee, of course, one objection will take it there in any event, and I have no serious objection to its being referred to the Committee on Rules, but I hope, of course, that the Rules Committee will consider it.

Mr. HARRISON. I had hoped the Senator would suggest that it go to the Rules Committee, because certainly that committee should consider this question. It involves a matter of so much importance that the Rules Committee, it seems to me, would be the proper committee to consider it, rather than a select committee, and if the Senator does not make the request I shall ask that it go to the Committee on Rules.

Mr. JONES of Washington. Very well, let the resolution be referred to that committee.

The VICE PRESIDENT. Without objection, the resolution will be referred to the Committee on Rules.

COMMEMORATION OF CENTENARY OF THE MONROE DOCTRINE.

Mr. JOHNSON. Mr. President, I ask unanimous consent that a very small bill to which there is no opposition at all, and which has been reported unanimously by the Committee on Banking and Currency, may be considered at this time. I refer to Order of Business No. 924, being Senate bill 4096.

Mr. CURTIS. Mr. President, I shall not object to the consideration of the bill, but I had hoped we might go on with the calendar this morning until 2 o'clock, and probably the bill referred to by the Senator from California would be reached. I shall, however, offer no objection to the bill being considered now, so far as I am personally concerned.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4096) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the enunciation of the Monroe doctrine, which was read as follows:

Be it enacted, etc., That in commemoration of the one hundredth anniversary of the enunciation of the Monroe doctrine there shall be coined at the mints of the United States silver 50-cent pieces to the number of not more than 300,000, such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment to the amount of their face value.

SEC. 2. That the coins herein authorized shall be issued only upon the request of the Los Angeles Clearing House and upon payment by such clearing house to the United States of the par value of such coins.

SEC. 3. That all laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coining, providing for the purchase of material and for the transportation, distribution, and redemption of coins, for the prevention of debasement or counterfeiting, for security of the coin, or for other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: *Provided*, That the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE CALENDAR.

The VICE PRESIDENT. The calendar under Rule VIII is in order.

Mr. CURTIS. I ask unanimous consent that the Senate proceed to the consideration of unobjected bills on the calendar.

The VICE PRESIDENT. Is there objection?

Mr. UNDERWOOD. I do not think we will accomplish much by considering only the unobjected bills. I think we had better take the bills up under the rule as they are reached in order that every Senator may have a chance. As I recall, we have recently cleaned up the calendar of unobjected bills.

Mr. CURTIS. Very well. I withdraw my request.

The VICE PRESIDENT. The calendar under Rule VIII is in order, and the Secretary will state the first bill on the calendar.

SUITS AGAINST THE UNITED STATES.

The bill (S. 214) to amend section 24 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as first in order on the calendar.

Mr. SMOOT. I ask that that bill may go over.

Mr. UNDERWOOD. Mr. President, the Senator, as I understand, can not have the bill go over unless a motion to that effect is made and agreed to. There was no order made that we should consider only unobjected bills, but the Senate is operating under the rule that the bills on the calendar shall be considered as they are reached. If the Senator from Utah desires to ask unanimous consent that the bill go over, I shall not object.

Mr. McKELLAR. What objection has the Senator from Utah to the bill?

Mr. OVERMAN. Let us dispose of the bill. It has been on the calendar for a long time, and has been recommended unanimously by the full Judiciary Committee. As the law now is individuals having claims against the Government can only institute suits in the Federal district court in the States where they live where the claim involved does not exceed \$10,000. This bill proposes to extend the amount to \$50,000. It is intended to allow a citizen in any district in the United States to bring suit in the Federal court if the amount of the claim does not exceed that sum.

Such cases will be tried on evidence furnished by the plaintiff and by the Government in the respective States, where the Government has its district attorneys to represent it. Instead of requiring the individual who has a claim against the Government to come to Washington and employ a Washington lawyer to bring suit, this bill, by extending the limit from \$10,000 to \$50,000 will allow the suit to be brought in the United States court in the district where the claimant lives.

I do not think there ought to be any objection to the bill. There was some objection on the part of the Attorney General because it was alleged the Government would be involved in an additional expense, but I think there will be no additional expense imposed on the Government, because the Government enjoys the franking privilege and every document which the Government has in Washington and desires to use in its defense in any claim can be sent down under frank to the court where the proceedings are being had. The Government, I repeat, has able representatives in every district, and the cases can be tried there and the evidence sent down by the Government. Under the existing situation a citizen of the United States who has a claim against the Government has to come here at great expense and employ Washington lawyers to conduct his case. The Judiciary Committee thought this was a proper bill in the interest of those who have claims against the Government not in excess of the amount specified in the bill. All large claims will have to be tried before the Court of Claims, as they are now, but suits involving less than \$50,000 may be tried in the district courts.

Mr. UNDERWOOD. Mr. President, I agree with the Senator from North Carolina that this bill ought to be disposed of. I think the bills on the calendar that have been reported ought to have a chance for a vote, and I think the Senate ought to vote on this bill, although I do not agree with my friend from North Carolina that it should be passed, and just in a few words I want to say what my objection to it is.

The Court of Claims was organized to allow citizens of the United States to bring suits sounding in contract against the Government of the United States. It is not merely that we have five judges down there to try these cases, but we have an organized bureau of the Government in the Department of Justice to look after the Government's side of the claims. There is no trouble in the world, if the cases are prepared, about having a hearing and a decision in the Court of Claims. Most of the delays in the Court of Claims have come about because the cases were not prepared; but the situation in the Court of Claims to-day is such that if a case gets on the calendar it is disposed of if the contestants desire its consideration within the term, and it is decided within a few weeks after it is argued.

The only ground on which we could say that these cases should be sent to the district courts is the convenience, I will not say of the litigants—because in the Court of Claims the witnesses are not brought here; in this class of cases the testimony is taken by deposition—but the convenience of the lawyers. Many years ago, in small cases, as a matter of convenience, jurisdiction was given to the district courts to try these cases up to \$2,000; then the limit was increased to \$10,000; and now it is proposed to increase the jurisdiction to \$50,000. I think there is a serious objection on the part of the Government, looking at it from a Government standpoint, to that being done. I think that every man who has a legitimate claim against the Government should have an opportunity to be heard and try his case; but the Government has its side of

these cases as well. The district attorneys throughout the United States are not trained in presenting the Government's side of these cases. It is a specialty. They have an enormous amount of business of their own to attend to, especially now, when the business on the criminal side of the dockets of the United States courts has largely increased. They have their own business to look after. They are not organized to look after the Government's side of these cases and protect the Treasury against illegitimate claims.

More than that, these claims require the testimony of the Government. A great many of them grow out of war contracts. That testimony is in Washington. It is not in Alabama or Arizona or New Mexico or North Carolina; it is in Washington. If we authorize the trying of these claims in the district courts of the various States we are either going to require these records to be taken out of Washington and carried to North Carolina or Alabama or New Mexico, or we are going to have the Government deprived of its testimony in the case.

These important papers might be carried down to one of the States in defense of a \$50,000 suit, but, on the other hand, there might be suits pending here involving \$200,000 or \$1,000,000, and if the papers were lost the Government might lose its defense. I think the only thing involved here is the convenience of the lawyers, not the litigants, because their testimony is going to be taken by deposition anyhow in this class of cases. More than that, when they are tried here there is more uniformity in the decisions, because there is a direct appeal from the Court of Claims to the Supreme Court of the United States, and the appeal from the district court goes to the circuit court, and we may have the circuit court deciding a case one way and the Supreme Court deciding it another way.

I am not disposed to say that in the smaller cases, below \$10,000, the present jurisdiction should be disturbed; but I do believe it is very unwise, in the interest of the Treasury of the United States and the proper trial of these cases, to increase the jurisdiction of the district courts and turn over the trial of these cases to men who are not informed, who are not familiar with them, when we have an organized bureau in the Department of Justice to handle these cases and try them here; and it must be remembered that in most instances a number of these cases follow along the same line. Occasionally there is a separate case, but in a great number of instances where one case is tried it is a standard case, and the rest stand or fall by that one decision; and there are trained men in the department who know the Government side and can protect the Government's interests.

For that reason I shall not vote for the bill, but I think the Senator is right in saying that the bill is entitled to have a vote.

Mr. OVERMAN. Mr. President, this matter was considered by the Judiciary Committee, and was urged by lawyers representing every section of the United States. We can not see why one of our constituents should actually be denied, on account of the immense expense, the right of having his claim heard in the court. A claim is a claim, and a lawyer is a lawyer. The district attorneys are generally good lawyers. They understand how to try cases. A claim is no different from any other case. This does not involve the great war claims, because it is limited to \$50,000. A man in Florida or Ohio or Georgia has a claim against the United States. Why should he be put to the tremendous expense of coming here and paying some Washington lawyer, when there are good lawyers at home that he could get for half the price?

This bill is in the interest of the people. It is giving justice to the people. Through the long delay in the Court of Claims the people are absolutely denied justice, on account of the immense number of claims that are brought here from all over the United States, when a claimant could go and try his case in his own district and the Government has a lawyer there to represent it. The claimant can have his own lawyer and the testimony of the Government can be presented. The Government has every right, without any expense, to present its evidence. The expressage is paid for the papers to be sent; the franking privilege is granted to the Government; it has its lawyers; and why not give to a constituent in our own States who has a small claim not exceeding \$50,000 the right to have it tried in the Federal court at his own home? It would be much less expensive to the Government, because the Court of Claims, when a case is brought, sends these inspectors or referees, as they are called, down to the States at great expense—\$10 a day—to take the testimony down there instead of letting the case be tried in the Federal court at home. Let our people try their cases in their own homes, instead of coming here to try them in the interest of these Washington lawyers. This limitation is in their interest.

Mr. McKELLAR. Mr. President, I think there is a great deal of force in what the Senator from North Carolina says; but I want to ask him, if he is so anxious to have these cases tried at home, why does he deprive the litigant of the right of trial by jury?

Mr. OVERMAN. This is a question that is tried upon record evidence.

Mr. McKELLAR. It may or may not be.

Mr. OVERMAN. That would make it even more important that a constituent of the Senator from Tennessee should have his case tried in his own balliwick, before his own jury, by his own lawyer.

Mr. McKELLAR. I agree with the Senator; but the Senator provides in this bill and the last sentence of the bill as reported provides as follows:

All suits brought and tried under the provisions of this paragraph shall be tried by the court without a jury.

I call the Senator's attention to this fact, which is not only forgotten by the Senator and other Senators on the Judiciary Committee, but it seems to be almost forgotten by all the courts of our country: The Constitution of the United States provides in three separate places that the right of trial by jury shall remain inviolate, and yet the Senator is seeking to take it away from litigants in this class of cases.

Mr. ASHURST. Mr. President, if the Senator will yield, that applies only to cases cognizable at the common law.

Mr. McKELLAR. I understand that; but what the framers of our Constitution meant was to give to the litigants the right of trial by jury. The provision has been construed by the courts not to be as broad as it was intended by the framers of the Constitution that it should be. What I want to know of the Senator is this: If he wants the people back home in his State and in mine and in other States to have the right of a trial in their own local community, why does he not follow the plain direction of the Constitution and provide that we shall have jury trials there just as elsewhere?

Mr. OVERMAN. I am following the statute of the United States. This bill amends the old statute which provides how these cases shall be tried, which has been upheld by the Supreme Court of the United States. These are claims not cognizable at common law, and therefore the Supreme Court has decided that they could be tried without a jury.

Mr. McKELLAR. I understand that; but the Supreme Court could not decide that if Congress provided in this bill that they should have the right of trial by jury, it ought to be given; and I want to say to the Senator that while I have no objection in the world to this bill being considered—I see that it was reported away back in May, 1921, and it ought to be heard; the Senate ought to pass on it—I am going to vote against the Senator's bill unless he strikes out the provision about trial by jury, because I am one of those antiquated men who believe in the right of trial by jury.

Mr. OVERMAN. Then, Mr. President, the Senator had better move to amend the general statute. This bill only amends the general law which is in force to-day in regard to claims. I hope the Senator will not vote against this bill for that reason. Let him propose an amendment to the general law.

Mr. McKELLAR. If the Senator will permit me to say so, I should like very much to vote for a general statute on the subject, but I am not going to vote for any statute that deprives citizens of the United States or of any State of the right of trial by jury.

Mr. OVERMAN. This is an amendment to the law that provides for that. The Senate can do as it pleases with it. I have no interest in it, except in the interest of my constituents who may have claims against the Government and who ought to be able to try them at home instead of coming to Washington at great expense and incurring great expense for witnesses and employing lawyers here in Washington. I am going to leave it to the Senate to do as it pleases. I have no interest in the bill. I simply think it is in the interest of justice and economy.

Mr. SMOOT. Mr. President, in the past I have objected to the consideration of this bill. I think it is a very, very unwise measure.

In the first place, as stated by the Senator from Alabama [Mr. UNDERWOOD]—and I agree with every word he says in relation to this measure—the law provided that cases involving claims of \$2,000 or less could be tried in the district courts. Then, after that, the limit was increased to \$10,000, and now we are asked to increase it to \$50,000.

I am not going to repeat here what the Senator from Alabama has so well said in giving his reasons for objecting to and voting against the bill; but I do want to call attention to the fact that in the Court of Claims—a court that has been set up by Congress to hear claims against the United States—

when one case is decided all similar cases are decided by that court in the same way.

Mr. KELLOGG. Mr. President, will the Senator yield?

Mr. SMOOT. I yield to the Senator.

Mr. KELLOGG. Does not the Senator know that a man might as well be denied a trial as to have to go to the Court of Claims and be blocked for years?

Mr. SMOOT. No; I do not know that.

Mr. KELLOGG. It is a fact.

Mr. UNDERWOOD. Mr. President, that statement has been repeatedly made on the floor of the Senate, and without intending to contradict the Senator from Minnesota, who I know thinks it is true, I have been assured that there is no difficulty in the world to-day in getting a trial of any case within one term of the court, and I know that to be so, because I have had cases in the Court of Claims myself, not that I was trying them as a lawyer but I was a litigant. For several years past the Court of Claims has sounded its docket every term, and there has been an opportunity to try every case, if the litigants wanted to try them.

Mr. OVERMAN. The cases do not get on the docket. Sometimes it takes five years to get a case on the docket.

Mr. UNDERWOOD. The Senator is now speaking about the litigants preparing their cases.

Mr. OVERMAN. The Court of Claims sends its men out to take the testimony, and the testimony is sent in only after great delay. I agree with the Senator that the court tries all the cases on the docket.

Mr. SMOOT. You can not find any complaint against the court if the litigants do not prepare the cases for trial.

Mr. McNARY. I make a point of order, Mr. President.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. McNARY. We are proceeding under Rule VIII, and we have already taken 35 minutes on this one item. We have only 2 hours altogether for the consideration of these cases on the calendar. I ask for the enforcement of Rule VIII.

Mr. SMOOT. Under Rule VIII each Senator has 5 minutes.

Mr. McNARY. The Senator from Utah and the Senator from Alabama have spoken for more than five minutes.

Mr. SMOOT. I have not been on my feet five minutes.

Mr. McNARY. I ask for an observance of the rule.

Mr. SMOOT. I am perfectly willing to have the rule enforced, but I have not been on the floor five minutes.

The VICE PRESIDENT. The Chair understands that no Senator has spoken more than five minutes or more than once.

Mr. SMOOT. That is true.

Mr. KELLOGG. Under the rules in force in the Federal courts cases can be expedited, but cases have been tied up here in the Court of Claims for years, when men could not get a hearing.

Mr. SMOOT. It is not the fault of the court.

Mr. WATSON. Will the Senator allow me a moment?

Mr. SMOOT. I have only a moment.

Mr. WATSON. The fault is not with the court; it is with the litigants themselves. I have been assured by two of the judges of the Court of Claims in personal conversation within the last 30 days that a hearing can be had in any case in one term of court if the litigants press their cases.

Mr. SMOOT. Mr. President, in conclusion I want to say that this bill will cover perhaps 90 per cent of the cases which will be brought against the Government of the United States. That means that the records in all those cases now at Washington will have to be sent all over the United States.

Mr. OVERMAN. May I ask the Senator a question?

Mr. SMOOT. Certainly.

Mr. OVERMAN. Where did the Senator get his information that this takes in 90 per cent of the cases? It does not take in 10 per cent of them.

Mr. SMOOT. It will if this limitation of \$50,000 is put in.

Mr. OVERMAN. The limitation is \$50,000, but the Court of Claims handles cases amounting to \$100,000, \$200,000, \$500,000, and over a million dollars.

Mr. SMOOT. Of course, there are few claims of more than \$50,000. There are some that run as high as a million dollars and others more than a million dollars, but in the great bulk of the cases the amount claimed is less than \$50,000, and this would mean taking the business from the Court of Claims in Washington and transferring it to courts all over the United States. Of course, the evidence that is collected by the Government is in the archives of the Government, and it will be sent all over the United States. Those are the facts in the case. If we want to have a condition of that kind, all we will have to do is to vote for this bill, but I shall vote against the bill.

Mr. McKELLAR. How far is the Court of Claims behind?

Mr. SMOOT. As far as the docket is concerned—and that is all the court has anything to do with—they are almost up to date. I will say to the Senator that they are as nearly up to date as any court in the United States.

Mr. OVERMAN. So far as the docket itself is concerned, they are up to date, but many of the cases do not get on the docket until the men who go down and take the testimony send it here, and they are sometimes five years behind time.

Mr. McKELLAR. Would this not be likely to engender a great many suits against the Government all over the country?

Mr. OVERMAN. I do not think so. I do not see why.

Mr. McKELLAR. I mean improvident suits. It seems to me that everyone who even thought he might have a claim against the Government would be willing to risk the cost and go into court.

Mr. OVERMAN. If a man thinks he has a case against the Government he ought to have a right to go and try it out, if he is willing to put up the money.

Mr. WALSH of Montana. Mr. President, I do not think the reason for this legislation rests at all upon the difficulty or delay in securing an adjudication before the Court of Claims. These causes accruing in behalf of citizens of the United States against the Government of the United States accrue all over this great country, in the State of California, in the State of Washington, in the State of Montana, in the State of Maine. It is a mistake to assume that all the records repose in the archives here in the city of Washington. I recall prosecuting at one time a case of this character arising out of a building contract, the construction of Fort Yellowstone, in the Yellowstone National Park. My client had an opportunity to bring his witnesses here to the city of Washington or to try the case purely upon deposition, if he had a desire to do so. He preferred to abate a very considerable amount of his claim and bring it in the district court of Montana, rather than undergo the expense and inconvenience of coming here to the city of Washington to try a lawsuit. The Government was put to no inconvenience about the matter at all. The evidence was all in the hands of the division office of the Supervising Architect of the Treasury.

So a controversy might easily arise concerning the construction of some public improvement in the city of San Francisco involving an amount somewhere between \$10,000 and \$50,000. Why should the parties to that transaction with the Government of the United States be compelled to come to the city of Washington to try a lawsuit involving that matter? Of course, there are many of these cases, which will be tried before the Court of Claims, all claims involving an amount above \$50,000, but in many of the cases, if the claim is less than \$50,000, the man will surrender his right rather than come here to the city of Washington and employ lawyers in this city for the purpose of prosecuting.

It is a mere question of justice to the people who have claims against the Government of the United States arising out of contracts, whether they shall be compelled to travel 3,000 miles before they can get a court to try their claims or whether they shall have a court in the immediate vicinity, where the cases can be tried in an inexpensive way. I can see no reason at all why this legislation should not be enacted. It seems to me it is founded in the elemental principles of justice, namely, that a man is entitled to have a court before which his cause can be tried, and have that court somewhere in the immediate vicinity where the transaction took place.

Mr. KING. Mr. President, for information I would like to inquire of the Senator what reason prompted Congress in the beginning to place limitations around the jurisdiction of the courts in the various districts?

Mr. WALSH of Montana. I am glad the Senator asked that question. We started out upon the principle that the Government was not open to suit at all. If anyone had a claim against the Government he was to come before Congress, no matter how trifling it might be in amount or in the principle involved, and Congress would make an appropriation. But in the course of time it was recognized that justice could not be administered in that way, and we created a Court of Claims, and then anyone who had a case against the Government would come before that court and file his claim. It was then recognized that that amounted to practically a denial of justice as to all claims of limited amount arising in remote sections of the country, and Congress authorized suit to be brought against the Government of the United States in the district courts of the various districts where the amount involved did not exceed \$10,000.

I defy anyone to demonstrate that the Government of the United States has suffered to any extent whatever by reason of

that legislation. I deny that anyone can demonstrate that any unjust claim against the Government was allowed through the process of the Federal courts. The statute carefully guards it. There is no right to trial by jury. The cause is heard before the district judge, no trial by jury being given at all, so that the prejudice which is supposed to exist against the Government in the prosecution of claims of this character can not possibly obtain.

No harm has come, no injury of any character has resulted, to the Government on account of the right extended to citizens to prosecute their cases in the various courts of the country where the amount involved does not exceed \$10,000, and I can not conceive how any injury can come to the Government from giving to these courts the right to try these cases against the Government where the amount involved does not exceed \$50,000. I hope the legislation will be enacted.

The VICE PRESIDENT. The Chair is not certain whether objection to the present consideration of the bill was raised.

Mr. KING. I object.

Mr. OVERMAN. I move that the Senate proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 214) to amend section 24 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The VICE PRESIDENT. On May 16, 1921, the Senate, as in Committee of the Whole, amended the bill by striking out "\$100,000" and inserting in lieu thereof "\$50,000."

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. WALSH of Montana. Mr. President, I understand that during my absence some question was raised as to the provision of the bill providing that the trial of these cases should be without a jury. I want to state that in that respect no change is made in the law. The only change made is an increase of the limit from \$10,000 to \$50,000. The law now provides that these cases shall be tried without juries. We are instituting no innovation.

Mr. McKELLAR. I understand that entirely, and that is exactly what I am opposed to. I think the original law ought to have provided that they should be tried by jury. I do not think the right of trial by jury should be denied American citizens, and for that reason I am going to vote against the bill, and I am going to ask for the yeas and nays.

Mr. WALSH of Montana. I trust the Senator will not vote against the bill upon that ground, because that introduces an exceedingly debatable question, which we endeavored to avoid in the preparation of this legislation. I think the Senator might very well defer his views upon that matter until some time when the question can be presented for consideration. It was not under consideration by the Judiciary Committee. We did not canvass that question.

Mr. McKELLAR. I understand what the Senator says, but I want to say in reply that I believe in the spirit of the Constitution in reference to jury trials. There are three specific provisions therefor in the Constitution and amendments, and believing honestly and thoroughly in jury trials, and believing that the Federal courts have from time to time construed the Constitution improperly in depriving citizens of jury trials, I have made up my mind to vote against any bill that deprives an American citizen of a jury trial, and as this bill does deprive an American citizen of the jury trial, I am going to vote against this bill.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. SMOOT. I call for the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. JONES of Washington (when his name was called). The senior Senator from Virginia [Mr. SWANSON] is necessarily absent. During his absence I promised to take care of him with a pair on all matters aside from matters relating to the shipping bill. Not knowing how he would vote on the pending proposition, I withhold my vote.

Mr. KELLOGG (when his name was called). I transfer my pair with the senior Senator from North Carolina [Mr. SIMMONS] to the junior Senator from Idaho [Mr. GOODING] and vote "yea."

Mr. POMERENE (when his name was called). I have temporarily a general pair with my colleague [Mr. WILLIS], who is detained because of serious illness in his family. I do not know how he would vote if present. I therefore withhold my vote. If at liberty to vote, I should vote "yea."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. WALSH of Montana (when his name was called). I have a general pair with the Senator from New Jersey [Mr. FREELINGHUYSEN], which I transfer to the Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. CURTIS (when Mr. WILLIS's name was called). As previously announced, the junior Senator from Ohio [Mr. WILLIS] is necessarily detained on account of serious illness in his family.

The roll call was concluded.

Mr. GLASS. May I inquire whether the senior Senator from Vermont [Mr. DILLINGHAM] has voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. GLASS. I have a general pair with the senior Senator from Vermont, and in his absence withhold my vote.

Mr. HARRISON. May I inquire if the junior Senator from West Virginia [Mr. ELKINS] has voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. HARRISON. I have a general pair with the junior Senator from West Virginia. Being unable to obtain a transfer, I am not at liberty to vote. If permitted to vote, I would vote "yea."

Mr. CARAWAY (after having voted in the affirmative). I have a general pair with the junior Senator from Illinois [Mr. MCKINLEY]. I transfer that pair to the Senator from Rhode Island [Mr. GERRY] and allow my vote to stand.

Mr. BAYARD (after having voted in the affirmative). I have a general pair with the junior Senator from Pennsylvania [Mr. REED]. In his absence, being unable to obtain a transfer, I withdraw my vote.

Mr. JONES of New Mexico (after having voted in the affirmative). I have a general pair with the Senator from Maine [Mr. FERNALD], which I transfer to the senior Senator from Arizona [Mr. ASHURST] and permit my vote to stand.

Mr. CURTIS. I wish to announce the following general pairs:

The Senator from Maine [Mr. HALE] with the Senator from Tennessee [Mr. SHIELDS];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from New Hampshire [Mr. MOSES] with the Senator from Louisiana [Mr. BROUSSARD].

The result was announced—yeas 42, nays 22, as follows:

YEAS—42.

Borah	Ernst	New	Stanley
Brookhart	Fletcher	Norbeck	Sterling
Bursum	George	Norris	Sutherland
Calder	Jones, N. Mex.	Overman	Trammell
Cameron	Kellogg	Phipps	Wadsworth
Capper	Kendrick	Pittman	Walsh, Mass.
Caraway	La Follette	Ransdell	Walsh, Mont.
Coit	Lenroot	Reed, Mo.	Warren
Couzens	McNary	Robinson	Williams
Culberson	Myers	Sheppard	
Dial	Nelson	Spencer	

NAYS—22.

Ball	Ladd	Nicholson	Townsend
Curtis	Lodge	Oddie	Underwood
France	McCormick	Pepper	Watson
Harris	McCumber	Polindexter	Weller
Heflin	McKellar	Smoot	
King	McLean	Stanfield	

NOT VOTING—32.

Ashurst	Fernald	Hitchcock	Pomerene
Bayard	Frelinghuysen	Johnson	Reed, Pa.
Brandegge	Gerry	Jones, Wash.	Shields
Broussard	Glass	Keyes	Shortridge
Cummins	Gooding	McKinley	Simmons
Dillingham	Hale	Moses	Smith
Edge	Harrell	Owen	Swanson
Elkins	Harrison	Page	Willis

So the bill was passed, as follows:

Be it enacted, etc., That paragraph 20 of section 24 of "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be amended to read as follows:

"20. Concurrent with the Court of Claims of all claims not exceeding \$50,000 founded upon the Constitution of the United States or any law of Congress, or upon any regulation of an executive department, or upon any contract, express or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect to which claims the party would be entitled to redress against the United States, either in a court of law, equity, or admiralty, if the United States were suable, and of all set-offs, counterclaims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever on the part of the Government of the United States against any claimant against the Government in said court: *Provided, however,* That nothing in this paragraph shall be construed as giving to either the district courts or the Court of Claims jurisdiction to hear and determine claims growing out of the late Civil War and commonly known as 'war claims,' or to hear and determine other claims which had been rejected or reported on adversely prior to the 3d day of March, 1887, by any court, depart-

ment, or commission authorized to hear and determine the same, or to hear and determine claims for pensions; or as giving to the district courts jurisdiction of cases brought to recover fees, salary, or compensation for official services of officers of the United States or brought for such purpose by persons claiming as such officers or as assignees or legal representatives thereof; but no suit pending on the 27th day of June, 1898, shall abate or be affected by this provision: *And provided further*, That no suit against the Government of the United States shall be allowed under this paragraph unless the same shall have been brought within six years after the right accrued for which the claim is made: *Provided*, That the claims of married women, first accrued during marriage, of persons under the age of 21 years, first accrued during minority, and of idiots, lunatics, insane persons, and persons beyond the seas at the time the claim accrued, entitled to the claim shall not be barred if the suit be brought within three years after the disability has ceased; but no other disability than those enumerated shall prevent any claim from being barred, nor shall any of the said disabilities operate cumulatively. All suits brought and tried under the provisions of this paragraph shall be tried by the court without a jury."

ARMAMENT CONFERENCE TREATIES (S. DOC. NO. 282).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, on motion of Mr. LODGE, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate:

I transmit herewith a report by the Secretary of State in response to the resolution adopted by the Senate on December 11, 1922, requesting him to furnish to the Senate "information showing to what extent and by what nations the six treaties known as the armament conference treaties, described in Senate Document 124, Sixty-seventh Congress, second session, have been ratified, and to give the date of ratification in each case by each country."

WARREN G. HARDING.

THE WHITE HOUSE, January 3, 1923.

CIVIL WAR PENSIONS—VETO MESSAGE (S. DOC. NO. 281).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read:

To the Senate:

I am returning herewith Senate bill 3275, "An act granting pensions to certain soldiers, sailors, and marines of the Civil War, etc.," without my approval.

If the act were limited to its provisions in behalf of the surviving participants in the Mexican and Civil Wars and widows of the War of 1812, it would still be without ample justification. The Commissioner of Pensions estimates its additional cost to the Treasury to be about \$108,000,000 annually, and I venture the prediction that with such a precedent established the ultimate pension outlay in the half century before us will exceed \$50,000,000,000. The act makes no pretense of new consideration for the needy or dependent, no new generosity for the veteran wards of the Nation; it is an outright bestowal upon the Government's pension roll, with a heedlessness for the Government's financial problems which is a discouragement to every effort to reduce expenditure and thereby relieve the Federal burdens of taxation.

The more particular objection to this act, however, lies in its loose provision for pensioning widows. The existing law makes the widow of a Civil War veteran eligible to a pension if she married him prior to June 27, 1905. In other words, marriage within 40 years of the end of the Civil War gives a veteran's widow a good title to a pension. The act returned herewith extends the marriage period specifically to June 27, 1915, and provides that after that date any marriage or cohabitation for two years prior to a veteran's death shall make the widow the beneficiary of a pension at \$50 per month for the remainder of her life. In view of the fact that this same bill makes provision for pensions for widows of the veterans of the War of 1812, the possible burden of this sweeping provision seems worthy of serious consideration. Frankly, I do not recognize any public obligation to pension women who now, nearly 60 years after the Civil War, became the wives of veterans of that war.

The Government has so many defenders to whom generous treatment is due that Congress will find it necessary to consider all phases of our obligations when making provision for any one group.

The compensation paid to the widows of World War veterans, those who shared the shock and sorrows of the conflict, amounts to \$24 per month. It would be indefensible to insist on that limitation upon actual war widows if we are to pay \$600 per year to widows who marry veterans 60 years after the Civil War.

WARREN G. HARDING.

THE WHITE HOUSE, January 3, 1923.

Mr. BURSUM. Mr. President, I feel that all Senators ought to have an opportunity to familiarize themselves with the contents of the message which has just been read from the President. I therefore move that the message be printed and that in the meantime it lie on the table.

The motion was agreed to.

ELIZABETH WHITE.

The bill (S. 1467) to carry into effect the findings of the Court of Claims in favor of Elizabeth White, administratrix of the estate of Samuel N. White, deceased, was announced as next in order.

Mr. KING. Let that bill go over.

Mr. WARREN. I move that the Senate proceed to the consideration of the bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Wyoming.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed and authorized to pay, out of any money in the Treasury not otherwise appropriated, to Elizabeth White, administratrix of the estate of Samuel N. White, deceased, late of West Feliciana Parish, La., \$27,800, in full satisfaction of her claim as reported by the Court of Claims under the act of March 3, 1887, and embraced in House Report No. 97, Sixty-third Congress, second session, at page 100, and by clerical error omitted from an appropriation act for its payment after favorable action thereon by both Houses of Congress, and said sum is hereby appropriated.

Mr. WARREN. Mr. President, this bill has passed the Senate three times and has twice passed the other House. It finally came from the House to the Senate in and as a part of an omnibus claims bill which was referred to the Senate Committee on Claims. That committee struck out of the omnibus claims bill this particular claim, but when the bill came into the Senate, on the 8d day of March, and was taken up for passage, I asked the Senate to reject the amendment proposing to strike out that claim, so that it would remain in the bill as it came from the House. So the Senate rejected the committee amendment and thus the claim became a part of the omnibus claims bill. By an error of enrollment, however, the item was omitted. In the hurry incident to the last hours of the session not only was that claim omitted but there was included another claim that had not been passed upon favorably. Of course, both claims were barred from payment.

The pending bill involves an old controversy. The matter was considered many years ago when I was chairman of the Committee on Claims. Furthermore the cause of the claim arose in a section of country with which I was familiar during the Civil War, as I performed duty there. It involves a case where the Confederate forces took Mr. White's boat and its cargo and forced him to stay with the boat and help to operate it. The boat was afterwards taken from the Confederates by the United States troops. After the war Mr. White took the matter up in court and the court found in his favor. The United States Government appealed, but never prosecuted the appeal. The claim went before the Southern Claims Commission, and they rejected it. Later on, some years afterwards, the boat having in the meantime been used by the United States Government for nearly 900 days continuously without repair or any pay to the owner, was sold for \$7,000.

As to the claims for sugar and molasses which were taken with the boat, these articles, I assume, were consumed by the Confederate forces, as we have no record of them. As to the boat itself, years afterwards, when this man was in want, the Government settled with him for the value of the boat alone, and he signed a receipt for that only. The receipt, however, was by an additional certificate worded in a manner which it is now contended establishes the fact that it was in full for the amount due him. Under any circumstances it was a good claim and should have been paid.

Furthermore, the United States is obligated in equity to pay it, because it has been passed upon many times, as I have said, by both Houses separately, and once by the two Houses. I hope that the bill may be passed.

Mr. SMOOT. Mr. President, I have objected to the consideration of this bill on many occasions. I think the bill is unjust. I do not believe that the Government ought to be called upon to pay the \$27,800 which is authorized to be paid by the bill.

Mr. RANSDELL. Mr. President—

Mr. SMOOT. I have but five minutes, I will say to the Senator from Louisiana. Let me continue, and after I shall have concluded the Senator from Louisiana may say what he wishes.

Mr. President, this claim was considered under the Tucker Act, and it was decided against the claimant. It was then considered under the Bowman Act, and there was another

decision rendered which was adverse to the claimant. The report states that the claimant received payment in full for his claim against the United States. The receipt which he signed is as follows:

Received at Washington, D. C., the 16th of March, 1866, of Bvt. Col. J. C. M. Ferran, quartermaster, United States Army, the sum of \$7,000 and — cents, in full of the above account, in check No. 26, on the First National Bank of Washington, D. C., payable to S. N. White or bearer for \$7,000.

S. N. WHITE.

Witnesses:
W. M. MACRAE,
C. A. THORNE.

While it is claimed that that payment was made merely for the boat, the receipt specifically states that the payment was in full satisfaction of all claims against the Government.

Mr. WARREN. Will the Senator allow me to say that the receipt which precedes the one which he has read recites the matter differently?

Mr. SMOOT. The certificate as signed by J. C. M. Ferran, major, quartermaster, brevet colonel, United States Army, states:

I certify that the above account is correct, and that it has been made in triplicate and read over carefully to the claimant, Samuel N. White, in the presence of the attesting witnesses, and that he in their presence accepted the sum of \$7,000 in full of all claims by him against the United States or its officers on account of the steamer *Red Chief* No. 1.

J. C. M. FERRAN,
Major, Quartermaster, Brevet Colonel, United States Army.

Think of it, Mr. President! The claimant makes a settlement with the Government for \$7,000, and yet those who are in favor of the passage of the pending bill take the position that the receipt was given for the boat only when the claimant signed a receipt for \$7,000 in full payment.

The Government of the United States used the boat but 825 days. For the use of the boat for that number of days a claim is made of \$27,800, although the boat itself at the conclusion of its use by the Government was sold for \$7,000. I can not believe that any such claim as that against the Government ought to be paid.

I know that many times claims bills pass through the Senate when no one is paying any attention to them; I know that claims bills have passed through the Senate half a dozen times without ever being finally enacted into law; but I do not believe that the Government of the United States ought to be called upon to pay this bill of \$27,800.

Mr. WARREN. Mr. President, does the Senator deny that the claim was passed as an amendment to an omnibus claims bill and that it was left out of the enrolled bill by error?

Mr. SMOOT. No; I do not deny that. It did pass on an omnibus bill; I am quite aware of that.

Mr. WARREN. And when the omnibus claims bill was considered there was a full attendance, of course, in the Senate.

Mr. SMOOT. There is not always a full attendance on such occasions, I will say to the Senator; and I think this claim was put upon the omnibus bill in the Senate, perhaps, when nobody knew anything about what it was and when Senators did not have the report before them to ascertain really whether the Government of the United States was obligated to the claimant.

Many old claims of this nature have piled up against the Government of the United States. I am perfectly willing to pay such claims wherever there is produced a shadow of justification for them, but there is no justification for paying this claim of \$27,800.

Mr. RANSDELL. Mr. President, I can not agree with the Senator nor do the committees which have investigated this claim agree with him. The Senator reads a receipt signed by Mr. White showing that he, the husband of the old lady, a widow, who is now the claimant under this bill, received \$7,000. Mr. President and Senators, that \$7,000 was paid for the price of the boat. The boat was sold—and the sale was a mistake, as the War Department admits—and that amount was paid for the boat. As the report of the committee shows, and as the court found, the boat was used for 825 days, I believe.

Mr. SMOOT. That is true.

Mr. RANSDELL. The court found that the claimant was entitled to be paid for the use of the boat, and that is what the committee found.

I wish to say to the Senate and to the Senator from Utah that, in my judgment, this is as just a claim as Congress ever paid. The Senator from Utah says there is not a shadow of evidence back of it. I say that, in my judgment—and I do not often rise upon the floor of the Senate to make any claim for my constituents—I do not know a better claim than this, and I do not know one where a poor old widow has been kept out

of her rights for so many years as has the old lady in this case, largely by objections such as the Senator from Utah is now making. I think it is a piece of absolute injustice longer to defer the payment of this claim. Bills providing for its payment have passed the House and the Senate a number of times, and on one occasion a bill embodying the claim passed both Houses of Congress, but, owing to a mistake of the clerk, the item was not put in the enrolled copy of the bill and did not receive, therefore, the signature of the President. The claim has been here time and time again; it is no new claim; it has been before us repeatedly. It would be an outrage on justice, sir, not to act favorably upon it, and I sincerely hope that the Senate will now perform this long-deferred act of simple justice and pass the bill. I wish to thank the Senator from Wyoming [Mr. WARREN] for trying to secure proper consideration of the case.

Mr. SMOOT. Mr. President, I want again to call the Senate's attention to this receipt. The receipt is what Mr. White signed. He was a man of intelligence, and he could read language; and when the settlement was made between him and an officer of the Government of the United States, he signed this receipt, accepting "the sum of \$7,000 in full of all claims by him against the United States or its officers on account of the steamer *Red Chief* No. 1."

Mr. McNARY. Mr. President, I again ask for the enforcement of the rule. We are not getting anywhere with the calendar when we take 15 minutes to speak.

Mr. RANSDELL. I have not yielded. I did not hear the question of the Senator from Oregon.

Mr. McNARY. I asked the Chair for the enforcement of the rule, which is that no Senator can speak for more than five minutes on a given number on the calendar.

The PRESIDING OFFICER (Mr. NEW in the chair). The Chair will state that this bill is under consideration upon motion, and, consequently, the rule to which the Senator from Oregon refers does not apply.

Mr. McNARY. Very well.

Mr. RANSDELL. Mr. President and Senators, in regard to the last remark of the Senator from Utah, I wish to say that the receipt to which he refers does not say "in full settlement of all claims." Here is the way it reads:

That he, in their presence—

That is, in the presence of witnesses—

accepted the sum of \$7,000 in full of all claims by him against the United States or its officers on account of the steamer *Red Chief* No. 1—

Growing out of the claim which he had made in triplicate, as per some voucher.

The actual facts in connection with that, as I gathered them, were that this old man had had his property taken from him. The Government had used that property. The Government then had sold that property at public sale, and that was all that was offered to him. He would have been very different from most men if he had not signed practically any receipt offered to him. The \$7,000 was what the vessel brought at public sale. The Government did not own that vessel. It was Captain White's vessel. The Government had seized it and deprived him of a chance to use it. The Government had actually used it for 825 days, had undoubtedly received great benefit from its use, and then, after using it and probably nearly wearing it out, the Government sold it for \$7,000; and Mr. Stanton, the Secretary of War, said, "We will pay him the \$7,000 which his property brought." That was not the Government giving him anything, Mr. President and Senators. That was simply returning to this old man the \$7,000 which his property brought at public sale.

The Senator from Utah tries to make it appear that that \$7,000 was a donation from the Government. That is the inference from his remarks. The Government did not give this man a cent. It took his property from him, sold it, and then turned over to him the proceeds of that sale. The court found that the Government had used that property for 825 days and that a fair rental value for the use of the property—not for the title to the property, but for the use of it—was the sum fixed in this bill.

I think it is most unjust, Mr. President and Senators, for the Senator from Utah to say that merely turning over to that old man the \$7,000 received from the sale of his property compensates him for all his claims. Are you not going to pay him one cent for the 825 days that it was used—not a nickel for all of that? I can not conceive such injustice as that, Mr. President. I know it is a long time since the war; but this claim, to my certain knowledge, has been up here for years and years and years, and it ought to be settled now.

Mr. KING. Mr. President, there are two reasons, as I view this case, why this bill ought not to pass.

The first reason exists because of prior action taken by a commission appointed by the Congress; and that commission, upon full investigation, decided on the merits of the case adversely to the claimant. Let me read from page 2 of the report accompanying the bill:

Samuel N. White (Elizabeth White, administratrix). (S. D. 258-55-2.) Tucker Act. This claim originally presented to Southern Claims Commission; referred to court first February 12, 1887, under Bowman Act; decedent found loyal in 1892, under that reference, but court in 1893 found adversely to claimant on merits.

If there is anything in the world that can be res adjudicata, it would seem to be the case at bar. Here was a case where a claim lingered along for many years, and in 1893 it was referred to the court and tried by the court on its merits. It was not a technical disposition of the case. There was nothing arbitrary. It did not go off on some fine point of law, but there was a decision upon the merits. That means upon the facts—not the legal questions involved, but the merits of the case itself. If we are to revive cases after machinery has been provided, and they have been tried on the merits and no appeal taken, then there is no end to claims that may be presented against the Government. When machinery has been set up by the Government to pass upon claims, and that machinery acts pursuant to law, passes upon the merits, and decides adversely, that ought to end the matter. If the claimants may come again and again and again, ignoring the findings made and trial had and decision rendered, then those things are purely abortive, and we might just as well say that, no matter how many adjudications may be had against an individual, he and his heirs for hundreds of years may revive the claims and present them.

Mr. WARREN. No, Mr. President; the case goes back of that. This case was tried in the court and decided in favor of this litigant, and the United States took an appeal and never followed up that appeal. This man was waiting for a settlement. Finally the claim appeared before the Southern Claims Commission, just as many others did. We have paid I would not undertake to say how much, but to my knowledge more than \$40,000,000 of cases which that commission decided on the prima facie facts as they appeared. They had thousands of them—yes, tens of thousands—passing on them very hurriedly, and they have come up and been settled since.

There is another feature of this matter: These claims have all been tried out in the committees. They have all been looked over. They have been presented here in reports. They have passed the House and Senate separately several times. Then they passed here in a composite bill, as we formed the line of action at one time of putting all such matters in omnibus bills, matters which had passed both Houses before but failed to pass both Houses in season to reach the President before adjournment. This bill had really once become a law, so far as that is concerned, except for a mistake of the enrolling clerk, who left it out. As I said before, the same bill or act contained another claim that did not belong there at all. I allude to it simply to show the confusion that happened in the closing days of the Congress, the 3d or 4th of March.

Mr. KING. Mr. President, knowing the fallibility of Congress, the fact that it had passed a bill one time or many times would not influence me in the slightest degree in favor of the bill. In fact, I am rather inclined to think that I might be prejudiced against it; and when the Senator says that it was a part of an omnibus bill, that in and of itself stamps it with some little uncertainty as to its merits. Omnibus bills usually gather in good, bad, and indifferent claims, objects, and subjects. When we have an omnibus bill—take the omnibus pork-barrel public buildings bill—usually, as we know, measures are there found that are unjust, and post offices and public buildings are provided for in little towns and villages and hamlets where, in justice to the Government, none should be provided. So when the Senator pleads that we ought to pass this bill because it has been included in some omnibus bill heretofore, it does not appeal to me at all.

Mr. WARREN. But the Senator makes another mistake. It was put in on this floor, by the vote of the Senate, on a bill of that kind, and, of course, that vote came upon its merits.

Mr. KING. Whether it was upon the omnibus bill originally, or as a sort of a tentacle or an appendix to it, makes no difference; it was an omnibus bill if it passed.

But, Mr. President, I call attention again to this statement: Court in 1893 found adversely to claimant on merits.

There is no evidence that there was any appeal from that finding on the merits. The Senator from Wyoming indicates that there was some other trial upon some other action or in some other court where the findings were in favor of the plaintiff and against the Government, but the Government appealed. No disposition has been made yet of that appeal, apparently. The

appeal is still pending. If the plaintiff had any confidence in her bill, why has she not prosecuted the case which was appealed? Why did she not go to the appellate court and ask, if the Government, which was the appellant, failed to prosecute the appeal, that it be dismissed and remitted to the lower court, and then take such steps to enforce the judgment of the lower court as the case called for?

Mr. President, this statement that the case was tried on the merits by a court and the plaintiff was found against stands uncontradicted. That ought to decide the case; but, aside from that—and I ask the Senate's pardon for referring to a matter that my colleague has so fully covered—I want to call attention again to this release. The able Senator from Louisiana [Mr. RANSDELL] attempted rather to explain away the effect, and, so far as the plaintiff is concerned, the damning effect, of the release. Let us read what the release says:

Said voucher, signed by White—

The owner of the boat—

reads as follows:

"The United States to S. N. White, Dr., March 16, 1866: The reimbursement of the proceeds of the sale of the steamer *Red Chief* No. 1, by the United States Quartermaster Department, at Mobile, Ala., on the 12th of October, 1865, it being at the time the property of this said Samuel N. White, which reimbursement is in lieu of the boat and in full payment and release for all claims by said Samuel N. White on the United States Government or its officers on account of said boat, and this said reimbursement 'being in full accord and satisfaction for all claims against the United States and its officers for said boat.'"

Mr. WARREN. Mr. President, the Senator should add "or its value, \$7,000."

Mr. KING. Wait a minute—

for all claims against the United States and its officers for said boat or its value, \$7,000.

That language admits of but one construction. There had been a controversy, and the controversy ended in a complete accord and satisfaction, in a complete adjustment of the controversy, the payment of \$7,000, and a release of any further claim against the Government.

Mr. President, if men may sign releases in full of all claims, and then 50 years afterwards come before Congress and present claims when perhaps the facts of which the Government might avail itself at the time the release was signed, in order to controvert the claim, may not be provided, the Government will always be at the mercy of individuals and we may revive claims which were settled 50 or 100 years ago and vouchers given, upon some pretext of generosity or averment that some coercive measures were adopted by the Government, to get through large appropriations to pay claims settled many years before. It is a dangerous thing. The Government ought to be protected. There ought to be some period beyond which claimants may not assert their claims, particularly where they have signed releases in full. I regard this as a very dangerous precedent. If the Government may not rely upon acquittances and discharges, then there is no use of the Government settling any claims. It seems to me this would be very unfair; first, because there was a finding on the merits against the claim, and, secondly, because the claimant signed a release of the claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. SMOOT. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. JONES of Washington (when his name was called). Making the same announcement as before with reference to my pair, I withhold my vote.

Mr. KELLOGG (when his name was called). Making the same announcement as before as to the transfer of my pair, I vote "nay."

Mr. STERLING (when his name was called). Making the same transfer of my pair as upon the last vote, I vote "yea."

Mr. WALSH of Montana (when his name was called). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN], who is absent. I accordingly withhold my vote.

The roll call was concluded.

Mr. POMERENE. Again announcing my pair with my colleague [Mr. WILLIS], who is detained because of illness in his family, not knowing how he would vote if present, I withhold my vote.

Mr. FERNALD. I have a general pair with the senior Senator from New Mexico [Mr. JONES]. I transfer that pair

to the junior Senator from New Hampshire [Mr. KEYES] and vote "yea."

Mr. SUTHERLAND (after having voted in the affirmative). I understand that my pair, the senior Senator from Arkansas [Mr. ROBINSON], who is absent, would vote on this question, if present, as I have voted. I therefore allow my vote to stand.

Mr. CURTIS. I desire to announce the following general pairs:

The Senator from Maine [Mr. HALE] with the Senator from Tennessee [Mr. SHIELDS];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from Pennsylvania [Mr. REED] with the Senator from Delaware [Mr. BAYARD].

The result was announced—yeas 44, nays 7, as follows:

YEAS—44.

Brookhart	Glass	Nicholson	Stanley
Broussard	Harris	Norbeck	Sterling
Capper	Harrison	Oddie	Sutherland
Colt	Heflin	Overman	Townsend
Curtis	Kendrick	Pepper	Trammell
Dial	Ladd	Phipps	Underwood
Elkins	Lodge	Poinexter	Wadsworth
Ernst	McCumber	Ransdell	Walsh, Mass.
Fernald	McKellar	Reed, Mo.	Warren
Fletcher	McNary	Sheppard	Watson
George	Myers	Spencer	Weller

NAYS—7.

Borah	Kellogg	La Follette	Smoot
Dillingham	King	New	

NOT VOTING—45.

Ashurst	France	McCormick	Shields
Ball	Frelinghuysen	McKinley	Shortridge
Bayard	Gerry	McLean	Simmons
Brandeggee	Gooding	Moses	Smith
Bursum	Hale	Nelson	Stanfield
Calder	Harrell	Norris	Swanson
Cameron	Hitchcock	Owen	Walsh, Mont.
Caraway	Johnson	Page	Williams
Couzens	Jones, N. Mex.	Pittman	Willis
Culberson	Jones, Wash.	Pomerene	
Cummins	Keyes	Reed, Pa.	
Edge	Lenroot	Robinson	

So the bill was passed.

BILLS, ETC., PASSED OVER.

The bill (S. 1016) to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States," was announced as next in order.

Mr. SMOOT. I do not see in the Chamber the Senator who reported the bill or the Senator who introduced the bill, and I want some explanation of the bill or shall have to object to its passage. I therefore ask that it may go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 491) to provide, without expenditure of Federal funds, the opportunities of the people to acquire rural homes, and for other purposes, was announced as next in order.

Mr. SMOOT. I understand the shipping bill is to be taken up at 2 o'clock, and I shall not ask to have this bill taken up at this time, because it would be impossible to pass it between now and 2 o'clock. Therefore I ask that it may go over to-day.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 7) to amend the act entitled "An act to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia," approved February 4, 1913, was announced as next in order.

Mr. POMERENE. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2228) to amend certain sections of the Judicial Code relating to the Court of Claims, was announced as next in order.

Mr. SMOOT. The Senator from Tennessee desires to be heard upon the bill, as he has an amendment to offer to it, and therefore I ask that it may go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 8331) to amend the transportation act, 1920, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. The bill will be passed over. The joint resolution (S. J. Res. 41) authorizing transportation for dependents of Army field clerks and field clerks, Quartermaster Corps, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 2718) to provide for leasing of the floating dry dock at the naval station, New Orleans, La., was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2589) to amend section 11 of the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 67) for the relief of the heirs of Adam and Noah Brown was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1539) for the relief of Watson B. Dickerman, administrator of the estate of Charles Backman, deceased, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1861) authorizing the Court of Claims to adjudicate the claim of Capt. David McD. Shearer for compensation for the adoption and use and acquisition by the United States Government of his patented inventions was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 133) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. STERLING. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 14) providing for the election of a Delegate to the House of Representatives from the District of Columbia, and for other purposes, was announced as next in order.

Mr. WADSWORTH. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

THE MERCHANT MARINE.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, House bill 12817.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

Mr. SHEPPARD obtained the floor.

Mr. FLETCHER. Mr. President, will the Senator yield to me?

Mr. SHEPPARD. I yield.

Mr. FLETCHER. I offer the amendment which I send to the desk and which I ask may be read and lie on the table.

The amendment was read and ordered to lie on the table and to be printed, as follows:

Strike out all after the enacting clause and insert:

"A reduction of 10 per cent shall be made to the several rates of duties specified and imposed by the tariff act of 1922 in respect of all goods, wares, and merchandise which after the passage of this act shall be imported in ships or vessels of the United States. "All treaties and conventions in conflict herewith shall be denounced and terminated in accordance with their terms and new treaties and conventions shall be entered into conforming herewith in their places."

Mr. McNARY. Will the Senator from Texas be good enough to yield that I may ask unanimous consent for the present consideration of a bill?

Mr. SHEPPARD. I yield for that purpose.

PAYMENT OF CHARGES ON RECLAMATION PROJECTS.

Mr. McNARY. I ask unanimous consent for the present consideration of the bill (S. 4187) to extend the time for payment of charges due on reclamation projects, and for other purposes.

Mr. JONES of Washington. I would like to ask the Senator if the consideration of the bill will take any time?

Mr. McNARY. I would not make the request if I thought so. If it leads to debate, I shall, of course, not press it.

Mr. JONES of Washington. With that understanding, I shall not object.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to authorize the Secretary of the Interior to extend the time for payment of charges due on reclamation projects, and for other purposes," approved March 31, 1922, is amended by striking out the words "one year" where they appear in such section and inserting in lieu thereof the words "two years."

SEC. 2. That the Secretary of the Interior is authorized, in the manner and subject to the conditions imposed by such act of March 31, 1922, to extend for a period not exceeding two years from December 31, 1922, the date of any payment of any charge the date of payment of which has been extended under the provisions of section 1 of such act.

SEC. 3. (a) That every charge the date of payment of which has been extended under section 1 of such act of March 31, 1922, shall in lieu of the rate of interest provided in such act draw interest at the rate of 4 per cent per annum from the date of the passage of this act.

(b) That every charge the date of payment of which is extended under the provisions of section 2 of this act shall draw interest at the rate of 4 per cent per annum from the date from which it was so extended in lieu of any penalty that may now be provided by law, but in case such charge is not paid at the end of the period for which it is so extended any such penalty shall attach from the date the charge was originally due, as if no extension had been granted.

Mr. KENDRICK. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated. The READING CLERK. Add a new section, as follows:

SEC. 4. That section 2 of such act of March 31, 1922, is amended by striking out the words "season of 1922," where they appear in such section, and by inserting in lieu thereof the words "seasons of 1922, 1923, and 1924."

Mr. McNARY. I understand the amendment only makes an extension of the provision of the present bill, making it cover two years.

Mr. KENDRICK. Mr. President, the act approved March 31, 1922, granting relief to settlers on reclamation projects, authorized the extension of the time in which annual construction charges might be paid by settlers until December 31, 1923. Section 2 of that act also provided:

That the Secretary of the Interior is hereby authorized, in his discretion, after due investigation, to furnish irrigation water on Federal irrigation projects during the irrigation season of 1922 to landowners or entrymen who are in arrears for more than one calendar year in the payment of any operation and maintenance or construction charges, notwithstanding the provisions of section 6 of the act of August 13, 1914.

And further provided:

That nothing in this section shall be construed to relieve any beneficiary hereunder from payments due or penalties thereon required by said act: *Provided further*, That the relief provided by this section shall be extended only to a landowner or entryman whose land against which the charges have accrued is actually being cultivated.

The bill now under consideration and approved by our Committee on Reclamation, reported by our chairman, Mr. McNARY, authorizes the extension of time from December 31, 1923, to December 31, 1925, which will no doubt prove very helpful to settlers who, because of crop failures and other disasters, are unable to meet the construction charges. But in many instances, particularly where settlers have been unable to receive anything like fair compensation for their crops, it will be found impossible for them to meet even the maintenance charges.

My amendment simply extends for a corresponding period of time the relief provision in reference to the maintenance charges under which the Secretary is authorized to furnish water to settlers when, on investigation, it is proved they are unable to meet such charges. It is in no sense a repudiation of an obligation; it merely extends the time of payment.

I hope the amendment will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FLETCHER. May I inquire of the Senator from Oregon whether the terms of the bill extend all payments for a period of two years?

Mr. McNARY. It is only in a few distinct cases, and in those cases the Secretary of the Interior may, in his discretion, where a proper showing is made, extend payment of the construction charges for a period not to exceed two years.

Mr. FLETCHER. Two years from what date?

Mr. McNARY. Two years from 1922, which means the years 1923 and 1924. There are only a very few cases which have been found to date where such action will be necessary.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

Mr. SHEPPARD. Mr. President, the title of the act under debate, an act popularly known as the merchant marine act of 1922, or the ship subsidy bill, is "An act to amend and supplement the merchant marine act of 1920, and for other purposes." The act of 1920, although it did not refer to the shipping act of 1916 in its title, might well have been called an act to amend and supplement the last-named measure and measures amendatory thereof. The act of 1920 amended the act of 1916 in important respects, left much of it in force, and contained a number of new provisions. The act of 1916 had

been amended in the meantime mainly by the shipping act of 1918, which had reference to war conditions. These acts represent the first efforts of this country on so gigantic a scale to aid in the development of an American merchant marine. It is essential to a proper grasp of the subject before us that we review these acts, understand to what extent they remain in force, and examine the operations of the Shipping Board from its beginning. The shipping act of 1916 was entitled:

An act to establish a United States Shipping Board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes."

The first section of that act provides that the term "common carrier by water in foreign commerce"—

means a common carrier, except ferryboats running on regular routes, engaged in the transportation by water of passengers or property between the United States or any of its Districts, Territories, or possessions and a foreign country, whether in the import or export trade: *Provided*, That a cargo boat, commonly called "an ocean tramp," shall not be deemed such "common carrier by water" in foreign commerce.

The first section further provides that the term "common carrier by water in interstate commerce" means a common carrier engaged in the transportation by water of passengers or property on the high seas or the Great Lakes on regular routes from port to port between one State, Territory, District, or possession of the United States and any other State, Territory, District, or possession of the United States, or between places in the same Territory, District, or possession.

The first section then provides that the term "common carrier by water" means a common carrier by water in foreign commerce or a common carrier by water in interstate commerce, on the high seas or the Great Lakes, on regular routes, from port to port.

It is further provided by the first section that the term "other person subject to this act" means any person not included in the term "common carrier by water," carrying on the business of forwarding or furnishing wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier by water; that the term "person" includes corporations, partnerships, and associations, existing under or authorized by the laws of the United States, or any State, Territory, District, or possession thereof, or of any foreign country.

Such were the original provisions of section 1 of the shipping act of 1916. This section was amended by the shipping act of July, 1918, to provide further that the term "vessel" included all water craft and other artificial contrivances of whatever description and at whatever stage of construction, whether on the stocks or launched, which are used or are capable of being or are intended to be used as a means of transportation on water, and that the term "documented under the laws of the United States" meant registered, enrolled, or licensed under the laws of the United States.

As amended prior to the act of 1920 section 2 of the shipping act of 1916 provided:

That within the meaning of that act no corporation, partnership, or association should be deemed a citizen of the United States unless the controlling interest therein should be owned by citizens of the United States, and in case of a corporation, unless its president and managing directors should be citizens of the United States and the corporation itself organized under the laws of the United States or of a State, Territory, District, or possession thereof.

That the controlling interest in a corporation should not be deemed to be owned by citizens of the United States (1) if the title to a majority of the stock should not be vested in such citizens free from any trust or fiduciary obligation in favor of any person not a citizen of the United States, or (2) if the majority of the voting power in such corporation should not be vested in citizens of the United States, or (3) if through any contract or understanding it should be so arranged that the majority of the voting power might be exercised, directly or indirectly, in behalf of any person not a citizen of the United States, or (4) if by any other means whatsoever control of the corporation should be conferred upon or permitted to be exercised by any person not a citizen of the United States.

That the provisions of this act should apply to receivers and trustees of all persons to whom the act applied and to the successors or assignees of such persons.

Section 3 of the shipping act of 1916 provided that a board was thereby created, to be known as the United States Shipping Board, and thereafter referred to as the board; that the board should be composed of five commissioners, to be appointed by the President, by and with the advice and consent

of the Senate, said board to annually elect one of its members as chairman and one as vice chairman; that the first commissioners appointed should continue in office for terms of two, three, four, five, and six years, respectively, from the date of their appointment, the term of each to be designated by the President, but their successors to be appointed for terms of six years, except that any person chosen to fill a vacancy was to be appointed only for the unexpired term of the commissioner whom he succeeded; that the commissioners should be appointed with due regard to their fitness for the efficient discharge of the duties imposed upon them by this act and to a fair representation of the geographical divisions of the country; that not more than three of the commissioners should be appointed from the same political party; that no commissioner should be in the employ of or hold any official relation to any common carrier by water or other person subject to this act, or own any stocks or bonds thereof, or be pecuniarily interested therein; that no commissioner should actively engage in any other business, vocation, or employment; that any commissioner might be removed by the President for inefficiency, neglect of duty, or malfeasance in office; that a vacancy on the board would not impair the right of the remaining members of the board to exercise all its powers; that the board should have an official seal which should be judicially noticed; that the board might adopt rules and regulations in regard to its procedure and the conduct of its business.

Section 4 provided that each member of the board should receive a salary of \$7,500 per annum; that the board should appoint a secretary at a salary of \$5,000 per annum, and employ and fix the compensation of such attorneys, officers, naval architects, special experts, examiners, clerks, and other employees as it might find necessary for the proper performance of its duties and as might be appropriated for by Congress; that the President, on request of the board, might authorize the detail of officers of the military, naval, or other services of the United States for such duties as the board might deem necessary in connection with its business; that with the exception of the secretary, a clerk to each commissioner, the attorneys, naval architects, and such special experts and examiners as the board might from time to time find necessary for the conduct of its work, all employees of the board should be supplied by the Civil Service Commission and in accordance with the civil service laws; that the expenses of the board, including necessary expenses for transportation, incurred by the members of the board or by its employees under its order in making any investigation or upon official business in any other place than in the city of Washington, should be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the board; that until otherwise provided by law the board might rent suitable offices for its use; that the Auditor for the State and Other Departments should receive and examine all accounts of expenditures of the board.

Section 5, which was repealed by the merchant marine act of 1920, provided that the board, with the approval of the President, was authorized to have constructed and equipped in American shipyards and navy yards or elsewhere, giving preference, other things considered, to domestic yards, or to purchase, lease, or charter vessels suitable, as far as the commercial requirements of the marine trade of the United States might permit, for use as naval auxiliaries or military purposes, and to make necessary repairs and alterations of such vessels, provided that neither the board nor any corporation formed under section 11, in which the United States should be a stockholder, should purchase, lease, or charter any vessel—

(a) Which was then engaged in the foreign or domestic commerce of the United States, unless about to be withdrawn from such commerce without any intention on the part of the owner to return it thereto within a reasonable time.

(b) Which was under the registry or flag of a foreign country then engaged in war.

(c) Which was not adapted or could not by reasonable alterations and repairs be adapted to the purposes of this section.

(d) Which upon expert examination made under the direction of the board, a written report of such examination being filed as a public record, was not without alteration or repair found to be at least 75 per cent as efficient as at the time it was originally put in commission as a seaworthy vessel.

Section 6 provided that the President might transfer, either permanently or for limited periods, to the board such vessels belonging to the War or Navy Department as were suitable for commercial uses and not required for military or naval use in time of peace and cause to be transferred to the board vessels owned by the Panama Railroad Co. and not required in its business.

Section 7, which was repealed by the act of 1920, provided that the board, upon terms and conditions prescribed by it and approved by the President, might charter, lease, or sell to any person, a citizen of the United States, any vessels so purchased, constructed, or transferred.

Section 8, which was repealed by the act of 1920, provided that when any vessel purchased or constructed by or transferred to the board and owned by the United States became in the opinion of the board unfit for the purposes of this act it should be appraised and sold at public or private competitive sale, after due advertisement, free from the conditions and restrictions of this act.

Section 9 provided that any vessel purchased, chartered, or leased from the board by persons who were citizens of the United States might be registered or enrolled and licensed, or both registered and enrolled and licensed, as a vessel of the United States and entitled to the benefits and privileges appertaining thereto: *Provided*, That foreign-built vessels admitted to American registry or enrollment and license under this act and vessels owned by any corporation in which the United States was a stockholder and vessels sold, leased, or chartered by the board to any person a citizen of the United States, as provided in this act, might engage in the coastwise trade of the United States; that each vessel purchased, chartered, or leased from the board should, unless otherwise authorized by the board, be operated only under such registry, enrollment, and license; that such vessels while employed solely as merchant vessels should be subject to all laws, regulations, and liabilities governing merchant vessels, whether the United States should be interested as owner, in whole or in part, or hold any mortgage, lien, or other interest therein; that no such vessel, without the approval of the board, should be transferred to a foreign registry or flag; nor, except under regulations prescribed by the board, be chartered or leased; that when the United States was at war, or during any national emergency the existence of which should be declared by proclamation of the President, no vessel registered or enrolled and licensed under the laws of the United States should without the approval of the board be sold, leased, or chartered to any person not a citizen of the United States or transferred to a foreign registry or flag; that no vessel registered or enrolled and licensed under the laws of the United States, or owned by any person a citizen of the United States, except one which the board was prohibited from purchasing, should be sold to any person not a citizen of the United States or transferred to a foreign registry or flag unless such vessel should be first tendered to the board at the price in good faith offered by others, or, if no such offer, at a fair price to be determined as provided in section 10; that any vessel sold, chartered, leased, transferred, or operated in violation of this section should be forfeited to the United States and anyone violating the section deemed guilty of misdemeanor and subject to a fine of not more than \$5,000 or to imprisonment of not more than five years, or both such fine and imprisonment.

Section 10 provided for the taking of vessels purchased, leased, or chartered from the board by the President for military or naval purposes and defined the method of compensation.

Section 11 provided that the board, if in its judgment such action was necessary to carry out the purposes of this act, might form under the laws of the District of Columbia one or more corporations for the purchase, construction, equipment, lease, charter, maintenance, and operation of merchant vessels in the commerce of the United States; that the total capital stock thereof should not exceed \$50,000,000; that the board might, for and on behalf of the United States, subscribe to, purchase, and vote not less than a majority of the capital stock of any such corporation, and do all other things in regard thereto necessary to protect the interests of the United States and to carry out the purposes of this act; that the board, with the approval of the President, might sell any or all of the stock of the United States in such corporation but at no time should be a minority stockholder: *Provided*, That no corporation in which the United States was a stockholder, formed under the authority of this section, should engage in the operation of any vessel constructed, purchased, leased, chartered, or transferred under the authority of this act unless the board should be unable, after a bona fide effort, to contract with any person, a citizen of the United States, for the purchase, lease, or charter of such vessels under such terms and conditions as might be prescribed by the board; that the offer of vessels to private capital should be through public competition and that the consent of the President should be essential to their operation by the corporation; that the life of any corporation formed under this section should be limited

to five years after the close of the European war, its vessels and property reverting to the board; that the board might sell, lease, or charter such vessels as provided in section 7 and should dispose of property other than vessels on best available terms, depositing net proceeds, after payment of debts and obligations, in the Treasury to the board's credit.

Section 12 provided that the board should investigate the relative cost of building and operating merchant vessels here and abroad, rules of construction and classification, marine insurance with a view to an American system of substantial benefit to an American merchant marine, navigation laws with a view to amendment by Congress, vessel mortgages with a view to the improvement of security, and should on or before the 1st day of each December make a report to Congress including its recommendations, results of investigations, summary of its transactions, statement of expenditures and receipts, operations of any corporation formed under the act, and names and compensation of all persons employed by board.

Section 13 provided that Panama Canal bonds to the extent of \$50,000,000 already authorized might be issued to aid the board in carrying out sections 5 and 11, that the proceeds of said bonds and net proceeds of all sales, charters, and leases of vessels and sales of stock by the board and all other moneys received by it from any source should be covered into the Treasury to the board's credit, and were thereby permanently appropriated for the purpose of carrying out sections 5 and 11.

Section 14 prohibited any common carrier by water from giving rebates to shippers, using what are known as "fighting ships"—namely, ships used for the purpose of excluding, preventing, or reducing competition by driving another carrier out of the trade; also prohibited retaliations and discriminations against shippers, and so forth, under penalty of a fine not exceeding \$25,000 for each offense.

Section 14a provided that the board might on its own initiative, or on complaint, after due notice and hearing, determine whether any person not a citizen of the United States and engaged in transporting property or passengers by water has violated section 14 or entered into agreements prejudicial to American carriers, and on finding against such person may deny his ships entry to United States ports, and so forth.

Section 15 required memoranda of all agreements between carriers by water relating to rates, fares, pools, traffic divisions and arrangements, understandings, conferences, and so forth, to be filed with the board, which was authorized to disapprove, cancel, or modify any agreement, or any modification or cancellation thereof, whether or not previously approved by it, that it found to be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or to operate to the detriment of the commerce of the United States, or to be in violation of this act, the board being required to approve all other agreements, modifications, or cancellations. This section provided further that agreements existing at the time of the organization of the board should be lawful until disapproved by the board; that agreements made after the organization of the board should be lawful only when and as long as approved by the board; that agreements approved by the board should not be subject to the antitrust laws.

Section 16 prohibited carriers by water from giving undue shipping preferences and advantages to persons or localities, forbade the use of unfair means and devices to obtain lower rates, and so forth, and the attempt to secure marine insurance advantages over competitors.

Section 17 prohibits common carriers by water in foreign commerce from charging discriminatory rates or rates prejudicial to American exporters, and requires them and all other persons subject to this act to observe reasonable practices in receiving, handling, storing, and delivering freight.

Section 18 provided that common carriers by water in interstate commerce must observe just and reasonable classifications, rates, fares, practices, and so forth; that their maximum rates, fares, and so forth, must be filed with the board and kept open to the public, and that no higher rates than those published should be charged; that the board may, if it finds published rates, and so forth, unjust or unreasonable, prescribe reasonable maximum rates, classifications, and so forth.

Section 19 provided that when a common carrier by water in interstate commerce reduced rates below a fair and unremunerative basis with intent to injure a competitor it should not increase such rates unless after hearing the board found that such proposed increase rested on changed conditions other than the elimination of said competition.

Section 20 prohibits the disclosure by carriers of information relating to property transported which might be detrimental to shipper or consignee, and so forth.

Section 21 authorizes the board to require periodical or special reports, filing of rates, charges, memoranda, and so forth, at any time by any carrier or other person subject to this act relating to transactions within the jurisdiction of the board.

Sections 22, 23, 24, and 25 authorize the board on its own motion or on complaint by any person to investigate violations of this act and award reparations, render decisions, and so forth, subject to review by courts of competent jurisdiction.

Section 26 provided that the board should have power, and that it should be its duty whenever complaint should be made to it, to investigate the action of any foreign government with respect to the privileges afforded and burdens imposed on vessels of the United States engaged in foreign trade whenever it should appear that the laws, regulations, or practices of any foreign government operated in such manner that vessels of the United States were not accorded equal privileges in foreign trade with vessels of such foreign countries or vessels of other foreign countries, either in trade to or from the ports of such foreign country or in respect of the passage or transportation through such foreign country of passengers or goods intended for shipment or transportation in such vessels, of the United States, either to or from ports of such foreign country or to or from ports of other foreign countries; that it should be the duty of the board to report the results of its investigation to the President with its recommendations, and that the President was authorized and empowered to secure by diplomatic action equal privileges for vessels of the United States engaged in such foreign trade; that if the President should be unable by such diplomatic action to secure such equal privileges he should advise Congress as to the facts and his conclusions by a special message, if he deemed such a step important in the public interest, in order that proper action might be taken thereon.

Sections 27, 28, 29, 30, and 31 provided the board with the power to subpoena witnesses, administer oaths, examine witnesses, and so forth, and provided also for the enforcement and review of the board's orders and decisions by the courts.

Section 33 provided that this act should not be construed to affect the power of the Interstate Commerce Commission nor to confer on the board concurrent power or jurisdiction over any matter within the jurisdiction or power of such commission, nor to apply to intrastate commerce.

Section 34 provided that if any part of this act should be held unconstitutional the other parts should not be affected.

Section 35 appropriated \$100,000 to defray the expense of establishing and maintaining the board for the fiscal year ended June 30, 1917, including payment of salaries.

Section 36 authorized the Secretary of the Treasury to refuse clearance to any vessel or other vehicle laden with merchandise destined for a foreign or domestic port whenever he should have satisfactory reason to believe that the master, owner, or other officer of such vessel or other vehicle refused or declined to accept or receive freight or cargo in good condition tendered for such port of destination or for some intermediate port of call, together with the proper freight or transportation charges therefor, by any citizen of the United States, unless the same was fully laden and had no space accommodations for the freight or cargo so tendered, due regard being had for the proper loading of such vessel or vehicle, or unless such freight or cargo consisted of merchandise for which such vessel or vehicle was not adaptable.

Sections 37 to 44, comprising the remainder of the act, were added by the shipping act of 1918 to establish prohibitions and restrictions on foreign interests in vessels under American jurisdiction during war or any national emergency proclaimed by the President.

I have set forth the shipping act of 1916 in considerable detail because a knowledge of its provisions is essential to a clear understanding of the history of our present merchant marine.

Under authority of this act—the act of 1916—President Wilson on December 22, 1916, nominated as commissioners of the Shipping Board Messrs. William Denman, of California; Bernard N. Baker, of Maryland; John A. Donald, of New York; John B. White, of Missouri; and Theodore Brent, of Louisiana. The Senate confirmed Messrs. Denman, Baker, White, and Brent on January 19, 1917, and John A. Donald on January 23, 1917. The President accepted the resignation of Commissioner Baker on January 26, 1917, and the board was formally organized with Mr. Denman as its first chairman on January 30, 1917. Raymond B. Stevens, of New Hampshire, was nominated on March 12, 1917, as commissioner to succeed Baker, and the appointment was confirmed on March 15, 1917. The resignations of Commissioners Denman and White were accepted on July 24, 1917. On the same day the President nominated as their successors Edward N. Hurley, of Illinois, and Bainbridge Colby, of

New York, these nominations being confirmed on July 5 and August 8, 1917, respectively. Commissioner Brent's resignation was accepted on July 26, 1917, and Charles R. Page, of California, was nominated in his place on September 29, 1917, his confirmation following on October 3, 1917.

The board elected Commissioner Hurley as chairman and Commissioner Stevens as vice chairman on July 27, 1917.

The board since its organization had taken on a dual status. It was organized under the act of 1916 to promote in time of peace an American merchant marine and to regulate foreign and domestic shipping. It was given by subsequent legislation emergency powers to meet the shipping problems of the war, the board acting in this regard solely as the agent of the President.

The board's war powers were exercised mainly through the United States Shipping Board Emergency Fleet Corporation, a corporation authorized by the act of 1916. This corporation was organized under the laws of the District of Columbia, under authority of the act of 1916, with a capital of \$50,000,000 on April 16, 1917, and was charged by the board with the carrying out of the board's construction program. The war powers for construction of vessels conferred on the President by the urgent deficiencies appropriation act of June 15, 1917, were delegated to the corporation by Executive order and the funds provided by that act for vessel construction were assigned to it.

The Emergency Fleet Corporation, with all its stock held by the Government, except that owned by qualifying trustees, began one of the greatest construction projects ever essayed by mortals. Within six months it framed an organization of more than 1,000 employees, including a large number of technical experts who gave up more lucrative positions to assist in this notable project. Within six or seven months it was supervising from 16 offices, and in 116 shipyards the construction of over 1,000 vessels, disbursing funds for this construction at the rate of more than a billion dollars per annum, and handling virtually all the shipbuilding of the country. Its program called for the completion in 1918 of eight times as much tonnage as had been delivered in this country in 1916. The corporation faced the necessity of building new yards as well as ships, because existing yards were being used by American shipbuilders when we entered the war in building vessels for foreign account, mainly British and Norwegian. To meet the new and urgent demand it was arranged to build mainly in new yards large numbers of wooden ships, as it was found that this could be done without retarding the program for steel ships. Difficulties were had in procuring proper lumber but these were overcome. Designs were standardized for the steel ships. To secure unified control of shipyards and expedite construction the Emergency Fleet Corporation requisitioned on August 3, 1917, under presidential order of July 11, 1917, following an act of Congress, all steel ships then being built in this country of over 2,500 tons dead weight. Four hundred and thirteen steel ships were thus taken over whose tonnage when finished amounted to 2,937,808. Thirty-three of these, with a total tonnage of 257,575, had been finished at the end of October, 1917, the rest having an estimate of completion in 18 months. Methods of compensating shipbuilders had been agreed upon and negotiations were in progress with former owners as to their compensation. On October 31, 1917, 375 wooden ships, with a tonnage of 1,330,900, were under contract for construction; 305 steel ships, with a tonnage of 2,283,000; 58 composite ships, with a tonnage of 207,000. Adding the steel ships requisitioned as described above we had under way on October 31, 1917, in little more than six months after the organization of the Emergency Fleet Corporation, 1,151 vessels of all kinds, with a total tonnage of 6,758,708.

Contracts were being negotiated for 190 additional steel ships with a total dead-weight tonnage of 1,100,000. Funds appropriated or authorized at that time amounted to \$1,319,000,000. This meant roughly an average cost of about \$190 a ton, a cost far less than would have been incurred under ordinary competitive conditions in that time of general inflation, due to the war. Indeed, ships were selling in private trade at \$300 a ton and over. More difficult, however, than the placing of construction contracts and the disbursement of funds was the assembling, keeping, and training of the vast number of needed workers. Here the Emergency Fleet Corporation had the assistance of the Labor Department. The corporation established an industrial service department of its own, and this department, with the cooperation of the Department of Labor, established shipbuilding recruiting centers and soon developed an effective system of securing men for the shipbuilding service. A weekly man-power audit of each shipyard was devised which did much to end the practice of employing from two to six men for each

job in a year. New and better standards of employment were created. The heads of the international labor unions aided the corporation in establishing a system of industrial education. At Newport was established an instructor training center, to which from 75 to 150 skilled mechanics were sent from selected yards for six-weeks' courses in the art of training recruits. The housing of workmen in the new yards was another problem which the corporation had to meet.

As the steel vessels requisitioned on August 3, 1917, were completed the title was retained in the United States with the purpose of diverting them or an equivalent tonnage to the allied service. The owners were given opportunity to resume title provided they would yield to the board the use of the vessels for the war and six months thereafter at rate of requisition, the board to be reimbursed by them for expenditures in securing completion and all claims arising out of the process of requisition to be waived. This arrangement meant a substantial reduction in the cost of the ship-construction program and easier conditions for owners.

By Executive order following emergency shipping legislation by Congress the board was empowered to requisition ships already completed, and to operate, manage, and dispose of vessels requisitioned or otherwise obtained, and by the same order the board was authorized in its discretion to do these things through the Emergency Fleet Corporation. Accordingly, the board assigned to the division of operations of the Emergency Fleet Corporation the function of operating ships and carrying out the requisition program, subject to the direction and supervision of the board.

Under this arrangement vessels, unless engaged in governmental service, were handled as merchant vessels, were operated subject to navigation laws, to the jurisdiction of the Admiralty courts, and, so far as their crews were concerned, to the compulsory seamen's insurance law. Otherwise much of the Admiralty litigation would have gone to the Court of Claims, and persons suffering from collisions or similar injuries over which that court was without jurisdiction would have been without remedy. The first officers of the corporation were Edward N. Hurley, president; John A. Donald, vice president; Charles Piez, vice president; Raymond B. Stevens, treasurer; Lester Sisler, secretary; the trustees being Edward N. Hurley, John A. Donald, Raymond B. Stevens, Bainbridge Colby, Charles R. Page, Charles Piez, and Admiral W. L. Capps. It will be seen that the Emergency Fleet Corporation was, in effect, the board in the legal dress of a private corporation.

It was one of the war duties of the board to take vessels for military purposes, and this it endeavored to perform with the least possible disturbance and loss to merchant shipping. It was realized that transportation facilities had to be preserved for raw materials essential to military supplies, nitrates for fertilizer products, that coal was needed by war industries on the Atlantic coast and had to be carried by water on account of the congestion of rail traffic. The reason for the power to requisition ships—on payment of just compensation—delegated by Congress to the President and by the President to the board, was found in the rapid rise of charter and freight rates at the time we entered the war. Cargo steamers had time-charter rates in the spring of 1914 of about \$1 per dead-weight ton per month. These rose to \$13.88 in the summer of 1917 in trades outside the war zone, to \$20 and \$21 inside the war zone, the charterer taking the war risk. The time-charter rates for tankers rose from \$1.70 and \$2.40 in 1914 to \$12.50 in 1917. A greater rise was seen in freight rates because they included war risk, while in the case of charter rates this risk was taken by the charterer. Ocean freight rates on cotton from Savannah to Liverpool rose from 35 cents per 100 pounds in 1914 to \$6 in 1917; from Savannah to Genoa, from 55 cents to \$10; with correspondingly higher rates from Gulf points to these places. On petroleum from New York to Liverpool rates rose from \$4 per ton in 1914 to \$50 in 1917, including war risk; on grain from 50 cents per quarter to \$5.50. Larger costs of operation had come about. Special war bonuses were paid officers and crews of private vessels on account of the increased hazard. The war hazard also increased the cost of capital and insurance. War conditions caused also an advance in the cost of bunker fuel and supplies. But, giving due account to all these elements, charter and freight rates rose out of all proportion to them. These rates, representing an inordinate earning power, caused the market value of ships to rise from \$60 and \$80 per ton before the war to \$300 and over in the fall of 1917. The board in preparing to requisition ships decided that these inflated costs and prices, due to war conditions, did not represent a fair basis of compensation. After careful investigation, they fixed a scale of requisition rates decidedly lower than market rates and reflecting what they believed to be the legitimate development of values since the opening of the war.

The board has been frequently charged with all sorts of inefficiency, and for that reason I am going into its transactions in detail, in order to show that during the war and after the war they were marked by the highest efficiency and by unusually accurate judgment. To prevent unrequisitioned tonnage and rates connected therewith from soaring to still higher prices and to secure the proper mobilization of all our economic resources so essential to our full part in the war, the board decided to requisition, under authority delegated it by Congress through the President, all power-driven steel cargo vessels of 2,500 tons dead weight or over and all passenger vessels of 2,500 gross tons or over in our ocean service; to permit them to continue in operation largely by their former companies, all receipts to be held for Government account, and the owning companies to be credited with the rate allowed by the board; to maintain control over all these vessels as to voyages, cargoes, rates, and safeguards in war zones; to secure in this way unified control over all shipping, so that war needs might be given proper priority, and protection of the nations at war with Germany against oppressive and destructive transportation rates. Aside from the requisitioning power, the board was without jurisdiction over rates in foreign trade or over interstate ocean carriage rates, unless the vessels were common carriers and were running on regular routes. In fixing rates for requisitioned vessels left in the commercial service or assigned to foreign governments the board was careful to see that reductions inured to the benefit of the shipper, and were not used as instruments of favoritism.

The training of officers, engineers, and crews for the new ships was another task of formidable proportions. A recruiting service for this purpose was established, on June 1, 1917, with offices at Boston. The school-ship system of training deck officers did not work fast enough. It was decided to establish special navigation schools, supervised by the recruiting service, where men already experienced in seamanship might be intensively trained. Fifteen thousand men applied for training as officers in five months, only those qualifying by experience as seamen being accepted. The recruiting service established 27 navigation schools in June, July, and August of 1917, dividing the country into seven sections, following roughly the divisions of the United States Steamboat Inspection Service. This inspection service furnished inspectors to examine candidates for the schools. The schools were also aided by local advisory committees, composed of mayors, school superintendents, collectors of customs, and so forth, while shipping interests helped also as opportunity offered. The teaching force comprised teachers from scientific and technical schools, as well as experienced sea captains. Following the rules of the Steamboat Inspection Service, requiring two years' sea experience for licensed deck officers, a similar period was fixed for admission to these officer schools.

For the training of engineers courses were given at the instance of the board by the Massachusetts Institute of Technology, Stevens Institute of Technology, Johns Hopkins University, Tulane University, University of Washington (Seattle), Armour Institute of Technology, Case School of Applied Science, and on the steamer *John Weaver* at Philadelphia.

A sea-service bureau was established to put these men both on private and Shipping Board ships. From June 1 to October 31, 1917, there were 604 graduates from the navigation schools for deck officers, 416 from the engineering schools.

A large number of ships recently built were taken from the Great Lakes, among them 21 steel steamers for war service. Sixteen of these steamers were too long for the locks. They were cut in two, brought down in parts, and 12 of them reassembled while still afloat, a feat without precedent.

Another task before the board was the administration of section 9 of the shipping act of 1916, providing that before vessels owned by citizens of the United States or documented under United States laws could be transferred to a foreign owner or flag application should be made to the board and its consent obtained. The board was thus vested with what was mainly a war power, the object being to secure proper control of tonnage for war needs. In exercising it the board had to keep in view present and future military and naval requirements, transportation requirements for foodstuffs and products essential to production of munitions and military supplies, and requirements of private trade.

The board was also vested by an act of Congress approved October 6, 1917, with power to suspend the law excluding foreign-built vessels and vessels of foreign construction from coastwise trade, the act to expire 120 days after the close of the war. The purpose of this act was to economize tonnage and to replace coastwise tonnage diverted for war uses. The board was given complete control of the coastwise trade, its permits being necessary for all operations therein.

A further measure by the board to carry out the control of the shipping situation vested in it by Congress was the creation of a chartering committee which, assisted by the War Trade Board, handled the issuance of charters for neutral ships, of American steamers of less than 2,500 tons, and of sailing ships of all sizes carrying cargo from United States ports to foreign ports, the main objects in view being the inducement of neutral ships to carry a fair share of the trans-Atlantic trade and to reduce the high charter rates prevailing in trans-Atlantic, South American, and oriental trades.

Another task assigned the board by presidential direction was to repair and make ready for service the 91 ships of German registry, with a total tonnage of 594,696, which had been interned in American ports when we entered the war. Then Congress authorized the President to take possession of and title to all vessels within the jurisdiction of the United States under enemy ownership or registry at the time of coming within such jurisdiction, and to operate, lease, charter, and equip them for United States service or commerce. This authority the President delegated to the board, and the board formally assumed possession of them. The resolution conferring this authority was based on the power of Congress under the Constitution to cause the forfeiture of enemy property in port at the commencement of war. It did not provide, therefore, for compensation to enemy owners, but did provide for the appraisal by a board of survey, whose findings should be competent evidence in all proceedings on claims for compensation. There were claims of valid nature to be considered in connection with these vessels, such as maritime liens for supplies, for advances, wages of crews, mortgages to American banks taken prior to our entry into the war, alleged sales to American citizens or companies, and so forth.

The board, finding itself without power to control the movements of unrequisitioned ships, requested the cooperation of the Bureau of War Risk Insurance and War Trade Board in enforcing protective measures for ships in war zones. The result was that a higher premium was charged by the Bureau of War Risk Insurance for vessels not obeying the rules of the board's ship-protection committee and the Naval Consulting Board, and a denial of licenses by the War Trade Board to vessels of a type making especially hazardous their presence in the submarine zones. Sailing vessels were excluded from waters infested by submarines, but were allowed to carry cargoes in the coastwise and South American trades, thereby taking the place of steamers transferred for trans-Atlantic business.

In order to avert a threatened fuel shortage in the New England States, the board organized owners and operators of all tugs and barges in the New England coal trade into the New England Coal Barge and Towers' Association in the fall of 1917, with a supervisor appointed by and accountable to the Emergency Fleet Corporation. In this way the movement of tows was expedited and maximum efficiency in operation secured.

The board made careful arrangements to carry out the regulation of rates and practices as contemplated by the shipping act of 1916 as soon as normal traffic conditions should be restored. This function applied to water carriers in both foreign and interstate commerce. The former did not include ferryboats on regular routes or cargo carriers known as ocean tramps. The latter did not include carriers on irregular routes, intrastate lines, or carriers running only in inland waters. Carriers transporting only proprietary traffic were also exempted from regulation under this part of the act of 1916.

Inquiries from the board addressed to 800 water lines in order to ascertain the number within its regulatory jurisdiction mentioned in traffic publications elicited 654 replies, showing their status as of June 1, 1917, to be as follows: Lines dissolved or with operations discontinued, 91; operated exclusively intrastate or between ports of foreign countries, 97; operated exclusively on inland lakes and rivers of United States, 64; engaged in towage, lighterage, or ferriage service, 37; operating on irregular routes, interstate traffic, 107; operating as ocean tramps, foreign traffic, 18; engaged exclusively in proprietary or noncarrier service, 73; subject to exclusive jurisdiction of Interstate Commerce Commission, 13; engaged in regular service on Chesapeake Bay and Delaware Bay, 4; engaged in interstate commerce within purview of shipping act of 1916, 67; engaged in foreign commerce within purview of shipping act of 1916, 83. The number of vessels in the last two categories were diminished by a changed status of several due to transfer by Government requisition or voluntary alienation. The status of some of the other carriers was dependent on a final decision by the courts as to whether Long Island Sound, Chesapeake Bay, Delaware Bay, and like estuarial waters were high seas within the meaning of the act of 1916.

Mr. FLETCHER. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER (Mr. NICHOLSON in the chair). Does the Senator from Texas yield to the Senator from Florida?

Mr. SHEPPARD. I yield.

Mr. FLETCHER. I wish to inquire upon what date was established the status given by the Senator?

Mr. SHEPPARD. June 1, 1917.

It is apparent that a negative decision would reduce the number of interstate water carriers subject to the board's jurisdiction at that time to less than 70.

Certain difficulties existed in the fall of 1917 in the matter of jurisdiction over rates and practices due to provisions in the interstate commerce act, as amended by the Panama Canal act of 1912, placing certain water lines owned by rail carriers under exclusive control of the Interstate Commerce Commission. For example, the Morgan Steamship Line, owned by the Southern Pacific Railroad Co., was subject to exclusive regulation by the commission. The Clyde and Mallory Steamship Lines, competitors with the Morgan Line, were not owned by rail carriers and were subject to the board for regulation of port-to-port rates, practices, and so forth, and were amenable to the commission only as to through rail and water business. Again, the board had no control over a carrier operating only in inland waters, but had control over any competing carrier operating between same ports and to any extent on high seas or Great Lakes. Again, the board had control of a regular line operating, say, between Duluth and Buffalo, but not of a so-called "wild" or irregular carrier available for service between the same ports.

The shipping act of 1916 empowered the board to prescribe just and reasonable rates, regulations, and practices for water carriers in interstate commerce, but not in foreign commerce. As to the latter the board could only see that rates charged by water carriers were applied without discrimination. Nor were foreign carriers required to file tariffs with the board. Moreover, these regulations were subject to the board's correction only in so far as they related to or were connected with the receiving, handling, storing, or delivering of property. The act of 1916 required water carriers in interstate commerce to file with the board and keep for public inspection in form and manner prescribed by the board tariffs showing maximum rates, fares, and charges, and were forbidden to demand, charge, or collect rates greater than those published, except with the board's approval and after 10 days' notice, unless for good cause the board waived such notice. Accordingly the board issued for consideration soon after its organization tariff regulations and furnished copies to all water carriers in interstate commerce.

The formal docket of the board showed two complaints to have been filed by October 31, 1917, to wit, that of Eastern Shore of Virginia Produce Exchange against Baltimore, Chesapeake & Atlantic Railway Co. on account of alleged unjust rates on potatoes in barrels from river points in Northampton and Accomac Counties, Va., to Baltimore, and that of A. George Schulz Co. against Chicago, Racine & Milwaukee Steamers on account of alleged unjust rates on paper boxes from Milwaukee to Chicago.

By November 1, 1918, the Shipping Board, though the Emergency Fleet Corporation, delivered nearly 500 completed ships, which it had wholly or partly constructed, with a dead-weight tonnage of nearly 3,000,000, an average of about one a day from the enactment of the urgent deficiency appropriation law of June 15, 1917, conferring summary shipbuilding powers on the President, which he later delegated to the board. By November 1, 1918, the board had launched 747 hulls, with a dead-weight tonnage of over 4,000,000, and had laid 1,479 keels for ships, with a dead-weight tonnage of 7,742,230. Never before in human history had such an achievement been duplicated or imagined. In the accomplishment of this result and the performance of other responsibilities the activities of the board multiplied tremendously throughout the epic year of 1918. The personnel of the board remained during that year without change from what it was in October, 1917—Hurley, Stevens, Donald, Colby, Page. The personnel of the management of the Fleet Corporation will be referred to later.

As we have seen, the war activities of the board were based mainly on the urgent deficiencies act of June 15, 1917, and not on the original shipping act of 1916. The act of 1916 did not contemplate Government operation of ships as an ordinary thing. It gave the board, as heretofore stated, power to regulate shipping and, with the President's approval, to have constructed and equipped or to purchase, lease, or charter vessels suitable for merchant marine and naval auxiliary or other naval or military purposes; or, if it should deem the step necessary to the development of a merchant marine, to form one or more corporations

under the laws of the District of Columbia for the purchase, construction, equipment, lease, charter, maintenance, and operation of merchant vessels in the commerce of the United States, the board, in behalf of the United States, always to have a majority of the capital stock of any such corporation. It provided further that no vessel should be operated by any such corporation until every legitimate effort had been made to secure operation by private parties on such terms and conditions as the board might prescribe. It provided also that the board might charter, lease, or sell ships to private parties. The war involved us before this plan had anything like a substantial trial. The urgent deficiencies act of June 15, 1917, gave the President practically unlimited authority to requisition, construct, and operate ships in any way he might see fit, the only practical limit being the appropriations accorded him for these purposes, and authorized him to exercise these powers through such agency or agencies as he might from time to time select, providing, further, that all ships constructed, purchased, or requisitioned under the act of June 15, 1917, or theretofore or thereafter acquired by the United States, should be managed, operated, and disposed of as the President might direct.

The President, by Executive order of July 11, 1917, delegated directly to the Emergency Fleet Corporation all his authority relating to the construction of vessels. He delegated to the Shipping Board his power to acquire vessels already constructed and to operate, manage, and dispose of all vessels theretofore or thereafter acquired by the United States. During the war period the board and the corporation based most of their activities on these delegations of authority from the President and acted as his direct representatives. By virtue of this war authority they directed the operation of practically our whole merchant marine during the war period as a Government enterprise. They dealt with constantly changing conditions, necessitating constantly changing policies. The board found its duties dividing into three principal phases: (1) Acquisition of vessels, (2) operation of vessels, (3) regulation of shipping and shipbuilding. The first included construction of vessels by the Emergency Fleet Corporation for the board, requisition of American vessels built at home or abroad, commandeering, purchase, or chartering of vessels at home or abroad, seizure of German and Austrian interned vessels, requisitioning of Dutch vessels. These proceedings involved many complicated questions of law and policy. The second included operation of vessels through the Division of Operations of the Emergency Fleet Corporation, assignment of Shipping Board vessels to other governmental agencies, to governments associated with us in the war, and to private operating concerns—control of charters of nonrequisitioned American vessels, and of neutral vessels—manning, supplying, and repairing vessels, reconstructing vessels for war service, salvage, and so forth.

The third phase embraced the regulation of interstate and foreign freight rates and discriminations, of wages, hours, and conditions of labor for officers and seamen, for employees in ports and water fronts, and in shipbuilding, exclusion of certain vessels from war zones, regulation of sale of vessels, of transfer of American vessels to foreign registry, of construction of vessels for private and foreign account, of admission of foreign vessels to American coastwise trade, and encouragement of American citizens to bring foreign vessels under American registry. In addition to all the functions above named the Shipping Board worked out in connection with the War Trade Board import restrictions to secure tonnage for war purposes. It established a port and harbor facilities commission to study improvement of port and terminal facilities, to aid the board in obtaining bunkering facilities, in arranging for the construction of dry docks and repair yards and in coordinating maritime with land transportation.

Besides the urgent deficiencies act of June 15, 1917, there were other war measures conferring still further functions and tasks upon the board. Under the espionage act, which also became law on June 15, 1917, the board cooperated with the Treasury Department and the War Trade Board in preventing injury to vessels in foreign commerce, in enforcing neutrality through withholding of clearance papers, requiring pledges of certain behavior, inspecting vessels, their equipment, and so forth, and in protecting our commerce from interference, and so forth. Under the enemy trading act of October 6, 1917, the Shipping Board cooperated with the War Trade Board in a program of import restrictions, tonnage conservation, and importation of essentials. Under an act of March 1, 1918, the Fleet Corporation was empowered to purchase, lease, requisition, or condemn land and houses for its employees, construct, sell, lease, or exchange such houses, and to make loans to persons and corporations for the protection of housing facilities. To secure these ac-

commodations the Fleet Corporation established a passenger transportation and housing division. By October 1, 1918, projects were under way for housing at 25 shipyards and one turbine plant about 28,190 shipworkers and, in most instances, their families, the expense averaging about \$400 per person, counting five to a family. The total cost for these projects contracted for by October 1, 1918, was about \$58,000,000. This would be equivalent in normal times to a housing cost of \$200 per person or less, certainly not an extravagant figure.

By Executive order of June 18, 1918, the President vested in the Fleet Corporation power given him in the act of April 22, 1918, to take over, lease, or control street or interurban railroad systems—cars, equipment, and franchises—necessary to the transportation of shipyard and ship plant employees, and the corporation undertook the exercise of this power wherever needed.

An act of July 15, 1918, amended the shipping act of 1916 by increasing the board's control over the transfer of American vessels to foreign registry or jurisdiction, and brought within the board's control all shipyards, dry docks, shipbuilding, or ship repairing plants, as well as the facilities and interests therein.

By November 11, 1918, the board had made distinct progress in repairing the ex-Austrian and ex-German vessels taken over by the United States.

The board undertook negotiations throughout the world for the purchase or charter of enemy ships seized or interned by other countries. Two ex-Austrian vessels seized by China were chartered until six months after the war. Two ex-German vessels seized by Siam were chartered for the war.

A number of Austrian ships interned by Brazil were purchased. The board chartered from Uruguay eight ex-German steamers interned in Montevideo, of 60,000 tons dead weight, for common use by Uruguay, United States, and the Allies, sending supplies for necessary repairs. Similar use for unrestricted trade was secured from Peru of five steamers and four sailing vessels. By September 1, 1918, the board had chartered 331 foreign vessels, of a total dead-weight tonnage of 1,084,986, 220 being steamers of 944,238 dead-weight tons, 111 being sailing vessels of 140,748 dead-weight tons. The steamers were largely of Danish, Norwegian, Swedish, and Japanese origin, while the sailors were largely Norwegian and French. The charters ranged all the way from a single trip to the duration of the war. Some of these vessels went into South American, West Indian, Australian, and Hawaiian trade, as well as the coastwise American, although nearly all the charters permitted trans-Atlantic use. After April 18, 1918, the board would approve no charter of neutral vessels leaving American ports unless they were chartered to the board. They were later assigned to various lines for operation in trades to which they were allocated.

The board cooperated with the War Trade Board and the State Department in negotiations for acquisition of ships from neutral and allied countries. Agreements were made under which the United States would license the export of food supplies and other commodities to neutral countries in return for charter to the Shipping Board of all the tonnage they could spare. Chartering agreements were made with Sweden, Norway, and Denmark. Japanese tonnage was arranged for by charter, purchase, and construction contracts. The building of ships in Chinese yards was arranged for. Larger types of vessels in the South American and West Indian trade were replaced by ships obtained from neutrals and transferred to trans-Atlantic trade.

A tentative agreement was made with the Dutch Government in January, 1918, for the use of some of their ships for periods not exceeding 90 days in return for supplies. As a part of this understanding Dutch shipping to the extent of 150,000 tons was to be employed at the pleasure of the United States in Belgian relief work and for Switzerland, it being agreed that each ship sent to Holland for Belgian relief was to be matched by a ship leaving Holland for the United States. The Dutch Government was to charter to us 400,000 tons of Dutch ships under the entire agreement. It had delivered about 300,000 tons when, in the language of the board, it "proved unable to live up to the conditions of the agreement." The United States, on account of its supreme military needs, then resorted to the power of a belligerent, known in international law as the "right of angary"—namely, the power to take for military use vessels of foreign register within its territorial jurisdiction. The President issued a proclamation on March 20, 1918, authorizing the Secretary of the Navy to take over such of these vessels as were essential to our military needs, providing that they were to be manned, equipped, and operated by the Navy and the Shipping Board, and that the Shipping Board should fully com-

pensate the owners in accordance with international law. Under this proclamation the Navy Department took over 87 Dutch vessels, of 533,746 dead-weight tonnage, in various ports of the United States, including Porto Rican and Philippine ports. The preparation of these vessels for our service was in itself a project of colossal proportions. They were in need of repair, were without gun mounts and extra gun-crew quarters, and were loaded, many of them, with colonial and South American cargoes, which had to be cared for. Their own crews had to be replaced with American crews. The rapid accomplishment of the project of putting this great fleet into American service by the Navy and the Shipping Board was one of the noteworthy achievements of the war. The board employed directly the new crews of such of these vessels as fell to its management and operated the vessels directly, departing from its usual practice of assigning vessels to private corporations or to the Emergency Fleet Corporation.

The board was further charged with settling terms of compensation for these ships, maintaining and repatriating the Dutch crews, and indemnifying them for losses, caring for and disposing of their cargoes, and indemnifying owners. The crews consisted of nearly 3,000 Dutch, Dutch colonial, and Chinese seamen, many of them penniless and without knowledge of our language. By July 3, 1918, practically all of those desiring repatriation had sailed. Many of the cargoes were forwarded by other ships, a few by the original ships, while some subject to quick damage were sold for owner's benefit. Negotiations were undertaken for proper indemnity to owners.

On June 13, 1918, the first vessel built in Japan for the Shipping Board was delivered, and by October 1, 1918, nine vessels of 72,990 dead-weight tons built in Japan had been delivered.

We have been dealing with the acquisition of vessels by the board through construction, requisition, charter, commandeering, purchase, and so forth. Great as was this task, that of operation was probably greater. By November 21, 1918, the board owned 455 ships of new construction, with a dead-weight tonnage of 2,468,892; 59 former German vessels, of 343,206 tons; 6 former Austrian vessels, of 35,262 tons; and 36 other ships, of 137,248 tons. Of the 81 Dutch vessels taken over, it had the management of 52, of 236,340 tons. It had chartered 328 foreign ships of 1,366,361 tons and had requisitioned 450 American ships of 2,910,766 tons. Thus it was operating through the division of operations of the Emergency Fleet Corporation on that date a fleet of 1,386 vessels of 7,498,075 dead-weight tons. To accomplish this staggering task the division of operations developed one of the most extensive administrative organizations the world had ever seen. A glimpse of its magnitude may be had by referring briefly to the various departments of the division of operations. The division had a director of operations, having jurisdiction over all functions of the division of operations and maintaining personal contact with the members of the board; an assistant director, assisting in general supervision and charged especially with contact with the shipping control committee, chartering committee, board of survey and consulting engineers, War, Navy, and State Departments, foreign embassies and missions, and with various agencies of the division throughout the country; an assignments department, recommending and recording assignments to managers and operators and making notification of same after approval by the board, and having supervision in conjunction with the shipping control committee of the board of all freight and passenger steamers, divided by trades; a comptroller with general direction of all financial matters; a contracts and charters department, recording and checking all freight agreements, charters, and other obligations, and maintaining contact with the comptroller; a forest-products department, directing and supervising vessels handling timber and lumber for the Army and for the Fleet Corporation, and handling forest products for the general timber and lumber trade; a Great Lakes department, supervising management and operation of vessels constructed on the Great Lakes, its jurisdiction continuing until the arrival of vessels at Halifax; a marine superintendent, supervising all managers with reference to manning, victualing, and supplying, having direction of repairs and maintaining contact with the board of survey and consulting engineers; a department of maritime intelligence, having to do with filing all records concerning vessel movements, new construction, acquisitions, charters, and like items of maritime information; a sailing vessels department, directing, in conjunction with the shipping control committee, all sailing vessels; a tanker department, directing, with shipping control committee, all bulk-oil carriers; a traffic department, handling the fixing and issuing of rates as well as claims for loss, damage, or overcharge; a tug and lighter department, directing, with shipping control

committee, all matters pertaining to tugs, lighters, barges, and other harbor equipment.

I have already traced the personnel of the board from organization to the fall of 1918. As to that of the Emergency Fleet Corporation it may be said that Mr. Hurley became president on July 24, 1917; that Maj. Gen. George W. Goethals was appointed general manager on April 26, 1917, and resigned July 27, 1917; that he was succeeded by Admiral W. L. Capps, who resigned December 3, 1917, on account of ill health; that Mr. Charles Piez, who had been elected vice president of the corporation on November 11, 1917, was appointed general manager in December, 1917, and remained throughout 1918. By November, 1917, certain difficulties of organization had been ironed out, and all authority concentrated in the hands of the president of the board of trustees with power to delegate. After the German drive of March, 1918, demands for ships intensified, and Mr. Charles M. Schwab became general manager, Mr. Hurley and the board delegating to him full control of the construction work of the Emergency Fleet Corporation. I have already referred to the remarkable record of the corporation in the matter of construction and what it accomplished by November 1, 1918.

Mr. Howard Coonley became vice president of the corporation in May, 1918, taking charge of administrative departments, and later Mr. J. L. Ackerson became vice president and assistant general manager. The board of trustees of the corporation were Mr. Edward N. Hurley, president; Mr. John A. Donald, vice president; Mr. Bainbridge Colby, vice president; Mr. E. F. Carry, Mr. Charles R. Page, Mr. Charles Day, and Mr. John H. Rosseter. These men accomplished miracles for their country and for civilization, and some day when partisan denunciation of everything Woodrow Wilson and his associates did in managing our part in the war shall have been forgotten they will rank among the outstanding figures of that stupendous conflict.

The board was charged by section 12 of the act of 1916 to make recommendations to Congress looking to the development of an American merchant marine, and to that end was required by that section to investigate relative cost of building merchant vessels in the United States and in foreign maritime countries; the relative cost, advantages, and disadvantages of operating in the foreign trade vessels under United States registry and under foreign registry; to examine the rules under which vessels are constructed abroad and in the United States; the methods of classifying and rating same; the subject of marine insurance and steps necessary to develop a marine insurance system as an aid in the development of an American merchant marine; the navigation laws of the United States and the rules and regulations thereunder; the legal status of mortgage loans on vessel property with a view to improving the security of such loans and encouraging investment in American shipping. Pressure for construction and operation for war purposes, radical changes in costs and practices, and other developments revolutionized conditions and made a report during the continuance of hostilities impracticable. The board set to work, however, on all the matters covered in section 12, and by the end of 1918 had made extensive studies and investigations.

In order to regulate and stabilize labor problems and conditions in water transportation the board employed labor experts and made agreements with labor organizations and Government departments. The object was to adjust differences between employers and employees without stoppage of work. The agencies through which the board handled labor questions were its Marine and Dock Industrial Relations Division, dealing with these questions in operation of vessels and in connection with marine equipment; the Shipbuilding Labor Adjustment Board, an independent organization dealing with the construction field; National Adjustment Commission, handling labor problems of longshoremen; and the New York Harbor Wage Adjustment Board, dealing with operators of harbor boats at New York.

When we entered the war there were in the United States 37 shipyards building steel vessels, 24 building wooden vessels, of over 3,000 tons; the number of ways in the former being 142, in the latter 73. About 70 per cent of the former were building vessels for the Navy and many of the latter were not suited to modern shipbuilding. Immediate expansion of existing yards and the creation of new ones was imperative. By November 1, 1918, the ways in steel yards had grown through the efforts of the Fleet Corporation from 142 to 398; in wood yards from 73 to 418. Four of the steel yards were built and owned by the corporation and were used for the construction of fabricated-steel ships; that is, standardized steel vessels, many parts of which were completed in the factories furnishing the steel and assembled into the form of the vessel in the

yard. They were called "agency yards" and were operated and located as follows: By the International Shipbuilding Corporation at Hog Island, Pa.; Merchant Shipbuilding Corporation at Bristol, Pa.; Submarine Boat Corporation at Newark, N. J.; and the Carolina Shipbuilding Co. at Wilmington, N. C. These four yards, with a total of 94 ways when in full operation, could produce more tonnage than the largest yearly output of any country before 1918. There were five other Government-owned yards built for concrete vessels and located at San Diego, Calif.; Oakland, Calif.; Wilmington, N. C.; Mobile, Ala.; and Jacksonville, Fla. Each had four ways and could be expanded considerably. The other yards had a total of 1,083 ways completed or in construction, 939 for the Shipping Board and 144 for the Navy or private work.

The closest and most competent supervision was exercised by the Fleet Corporation over the construction of yards through an engineering and technical unit known as the Division of Shipyard Plants. This division inspected and approved or disapproved all plans for plant work, supervised the construction of shipyards, industrial plants, dry docks, marine railways, storage yards, examined and passed upon grounds, buildings, water fronts, dredging, ways, handling and yard equipment, railroad tracks and equipment, streets and roads, water supply and drainage systems, power plants and distribution systems, installations of tools, and all other parts of plant and equipment essential to shipbuilding. By September 1, 1918, the Fleet Corporation had invested or contracted to invest about \$150,000,000 in shipyard plants. The largest of these was at Hog Island, the estimated cost of which was \$63,000,000; the next in size, that of the Submarine Boat Corporation, estimated to cost \$17,000,000; the next that of the Merchant Shipbuilding Corporation, estimated to cost \$11,000,000; the next that of the Carolina Shipbuilding Co., estimated to cost \$3,000,000. There was also authorized for Scotch boiler plants and steel-fabricating plants an outlay of about \$10,500,000.

The Hog Island location was in its original state swampy, dismal, and uninviting, but it was suitable for a tremendous shipyard on account of its protected interior situation near a great city, with a great industrial population and advantageous railroad connections, and also on account of its nearness to steel mills and fabricating shops. The contract for the Hog Island yard was made September 23, 1917, and provided for the construction and operation of a yard with 20 ways for 7,500-ton ships, 30 ways for 8,000-ton ships, fitting-out piers, shops for correction and replacement work, and a small amount of ship-steel fabrication. In the face of an unusually severe winter and other appalling difficulties the yard was 50 per cent complete on February 12, 1918, and on that day the yard's first keel was laid. When finished the yard covered 846 acres, contained 250 buildings, 80 miles of standard railroad track, 3,000,000 feet of underground wiring, using 20 locomotives and 165 autotrucks. The 50 ways extended along a mile and a quarter of water front, and there was a total water frontage of 20,000 feet. On these ways 50 ships could be built while 28 were being outfitted at the piers, making 78 which could be in process of construction at the same time.

The plans of the Shipping Board and the Fleet Corporation contemplated at least another year of war, during which we would be expected to increase our quota of fighting men abroad to four millions. These plans were well under way when the sudden close of hostilities on November 11, 1918, necessitated their suspension and reversal to a large extent, and brought about a fundamental change in the problems and conditions surrounding the board. The principal activities of the board were now devoted to the supply of tonnage for the return of troops and for European relief, the return of neutral and requisitioned ships, compensation for requisitioned vessels, reimbursement from War and Navy Departments for vessels used by them, and the sale of ships. It became evident early in 1919 that large supplies of foodstuffs must be rushed to Europe to save its stricken peoples from an economic and social breakdown. The food relief movement began in February, 1919, and reached its peak in May, when 264 vessels, of nearly 2,000,000 dead-weight tons, were in use.

In December, 1918, the chairman of the board, at the request of President Wilson, established an office in Paris for purposes connected with the peace conference. At a conference in London representatives of the Shipping Board and the American Food Administration outlined a program for European food relief.

On June 4, 1918, it had been decided to allow no American ship of more than 100 tons to pass to foreign registry, although a few occasional exceptions were later made to this rule. On December 12, 1918, it was decided to permit wooden vessels then being built in American shipyards to be sold to foreign-

owned American corporations and to foreigners, except our enemies, and to permit the transfer of documented wooden tonnage to foreign-owned American corporations unless contrary to national interests.

Only in rare instances was this policy applied to American steel and iron vessels. From June 30, 1918, to July 1, 1919, the board authorized transfer to foreign registry of 253 wooden vessels, with a gross tonnage of 205,000; 34 steel vessels, with a gross tonnage of 47,203; and 12 iron vessels, with a gross tonnage of 14,652. The steel and iron vessels transferred were old vessels of lake-type construction and of no value to the American merchant marine.

The board relinquished on December 3, 1918, its control of the transfer of American vessels from Americans to Americans, the conditions requiring such control having disappeared. It also at a date following the armistice lifted all restrictions on construction of wooden tonnage for American or foreign account and steel tonnage for American account. Finally, on June 4, 1919, the board announced that on application construction of steel ships for foreign account would also be approved. On January 6, 1919, the board began the release of requisitioned tonnage to the extent of turning back privately owned American vessels of not more than 4,000 tons dead weight, except when required for military or food relief use. By June 30, 1919, the board had returned 457 such vessels, with a total dead-weight tonnage of 2,665,000. Where the board had spare tonnage, substitution was made of it with some owners until their requisitioned tonnage could be redelivered. On June 30, 1919, over half the chartered neutral tonnage had been returned to owners. Prolonged negotiations between the Shipping Board, the State Department, the British Government, the Dutch Government, and the Dutch shipowners intervened before terms of restoration were agreed upon as to the Dutch ships taken over by Executive proclamation during the war. The chartering committee, which had controlled rates during the war, ceased to function on March 1, 1919, and its work was continued under a chartering executive, who also served as tank steamer executive. After the armistice the problem was the maintenance of satisfactory charter rates rather than the enforcement of reductions.

After the armistice the board's division of regulations began to function more actively than was possible during the war. Its work was the regulation of rates and practices of water carriers in peace times, and was divided under four heads, to wit, formal dockets, informal dockets, tariffs, contracts and conferences. The formal docket covered complaints filed by shippers and others against carriers within the board's jurisdiction under section 22, shipping act of 1916. Six of these complaints had been filed by June 30, 1919. The informal docket covered any question raised by letter or memorandum and not by formal complaint, and alleging violations of the act of 1916, and which the board would attempt to settle by correspondence and informal conferences.

Sixty-three of these informal complaints were filed during the fiscal year ended June 30, 1919. The tariff authority of the board, exercised through the division of regulations, was derived from section 18, act of 1916, which required common carriers by water in interstate commerce, operating on the high seas or Great Lakes on regular routes from port to port, to file with the board and keep open to public inspection in the manner prescribed by the board their maximum rates, fares, and charges, and which prohibited them from demanding, charging, or collecting rates exceeding those published except with the board's approval and after 10 days' notice, unless the board, for good cause shown, waived the notice. The division of regulations preserved and kept open to the public a file of these published tariffs. Carriers in foreign trade on the high seas were not required by the act of 1916 to file tariffs with the board. The authority of the board over contracts and conferences was derived from section 15, act of 1916, which required carriers and other persons, such as forwarders, subject to the board's jurisdiction to file with the board copies or complete memoranda of all contracts, agreements, and understandings regarding rates, traffic, pooling of equipment, or any other working arrangement. These contracts, agreements, understandings, and so forth, were of two kinds. First, the so-called steamship conferences which, in the language of the board, were "understandings among combinations of groups of steamship lines as to policies affecting operations, traffic, ports, and so forth," and which "in the past also involved maintenance of systems of deferred rebates which are now prohibited by law." Understandings supplementing these conferences were called conference agreements, being made between parties subject to the original conference and being based on said conference. All the parties to the original conference,

however, were not necessarily parties to the conference agreement. The second kind of understanding was between carriers amenable to the board's jurisdiction, who had no part in these conferences, and those between carriers and other persons within the board's jurisdiction, such as those furnishing wharf facilities, terminal accommodations, and so forth, in connection with a water carrier. The board maintained a complete record of those contracts and conferences.

Through the division of operations the board continued in close touch with the United States Railroad Administration, realizing that our foreign trade required intimate cooperation between ocean and rail transportation facilities. The assistant director of traffic of the Railroad Administration and the assistant director of operations of the Fleet Corporation composed a joint committee appointed to handle relations between ocean and rail shipping, considering the following subjects among others: (a) Through export bills of lading; (b) export and import rail rates; (c) allocation of Shipping Board tonnage to relieve temporary congestion at certain ports; (d) joint consideration of traffic available to support regular sailings from United States ports; (e) assignments of Shipping Board vessels for railway operations; (f) wage questions involving railway floating equipment and Shipping Board vessels. The object of the board was to secure such unity between ocean and rail carriers that goods might be shipped from places in the United States to any place in the world with the same ease as to any point in the United States.

During the fiscal year ending June 30, 1919, the board allocated to the Army and Navy 265 vessels, including its own and those it had requisitioned, of a total dead-weight tonnage of 1,713,542. Of these 168 were redelivered to the board, their dead-weight tonnage being 1,008,172, and 10 had been lost by sinking, having a dead-weight tonnage of 45,599.

On October 9, 1918, the advisory insurance committee of the board was succeeded by the division of insurance to handle the growing problems of insurance and to negotiate salvage and wreckage contracts, so that prompt assistance might be given imperiled vessels. This division followed as a general rule the commercial market in fixing marine and war-risk premium rates. The ships owned by the Shipping Board were multiplying rapidly, and this was another reason for a division to look promptly after losses. These losses pertained to vessels in operation and not to hulls in course of construction.

As the fleet of the Shipping Board increased, the question of the board's relation to our foreign trade began to be important. Nowhere in the shipping act of 1916 or in any of the war measures affecting the board was any specific authority conferred on the board to promote foreign trade. It was apparent, however, that the promotion of an American merchant marine and the operation of so many American ships in the foreign trade by the board gave it a deep and practical interest in the development of foreign commerce. It came in constant contact with foreign interests doing business with this country, and, moreover, found it necessary to use representatives abroad. Having no foreign trade department of its own, the board would refer foreign trade problems and policies to the proper Government department. It referred the suggestion of keeping an American committee of trade experts in London to look after trade development and possibilities in Europe to the Department of Commerce. Two of the board's commissioners, however, were on the foreign trade committee, an advisory committee charged with the duty of coordinating the work of the various departments in connection with foreign trade. The board could not appoint agents for American steamship operators abroad, but it investigated records and connections of agents in foreign countries, so as to have confidential information available for our shipping interests. In the course of the board's investigations for ship-operating purposes trade opportunities and probable cargo movements were frequently discovered. The board published a number of bulletins containing these results. In order to provide full cargoes for our vessels the needs of various trades were carefully studied, as well as the problem of regular liner service. In these and other ways the board kept in touch with the shipping needs of our foreign trade, and announced in its third annual report, its report for the year ended June 30, 1919, that the construction program was being thoroughly revised with a view to a properly balanced fleet adapted to all probable requirements. So we see that there is nothing new in what the proponents of the present subsidy measure say in reference to a balanced fleet. The board made a thorough revision of its building program with that purpose in view nearly four years ago.

The first step in adjusting the recruiting service to a normal basis after the armistice was to return to owners the passen-

ger steamers used as training ships for the merchant marine, the board substituting for these steamers six of the wooden cargo ships, built by the Fleet Corporation. The number of apprentice seamen, firemen, and stewards trained under the board's supervision for merchant marine service from January, 1918, to June 15, 1919, was 23,909; the number of graduates of navigation schools for merchant marine officers and of engineering schools from June 4, 1917, to June 15, 1919, being 9,762. The number of chief engineers for turbine ships trained in factories making turbine engines by July 1, 1919, was 77.

After the armistice the demand for crews for American merchant vessels was greater than it was during the war. To furnish crews and officers for all American vessels, whether operated privately or by the board, the sea service bureau of the Shipping Board, formed in July, 1917, had been gradually enlarged until it was the board's sole agency for such purposes. On May 1, 1919, the sea service bureau was authorized to charge \$2.50 for each officer and man it placed on a ship, regardless of who owned or operated it, the charge to be eliminated whenever conditions might warrant. This bureau inspected vessels to see that living quarters were furnished crews in accordance with law. The placements of the bureau increased from 6,330 in November, 1918, to 11,673 in May, 1919. They began to exceed by far the placements of all other agencies. Before the war about 70 per cent of crews on American vessels were foreign born. By May, 1918, 65 per cent of the crews placed on American vessels by the bureau were American born.

The recruiting service maintained on each ship of the training fleet a modern hospital outfit with a surgeon, male nurse, and hospital attendants. Through the medical department physical examinations of more than 23,000 recruits were made between January, 1918, and June, 1919.

With a view to the intelligent regulation of ocean freight rates and of terminal companies the board ordered an investigation of the former under the direction of Prof. Emory R. Johnson, of the latter under C. O. Ruggles. In the matter of terminal charges the result of the study and investigation was a recommendation for stricter governmental regulation.

Some of the problems in this connection arose from the ownership of vitally important facilities by railroads, railroad competition in terminals, lack of coordination among railroads and between railroads and ship lines.

A ship sales division was organized by the board to handle sales of vessels built or acquired, final action in each sale resting with the board. A number of sales were made by June 30, 1919, transactions being had only with actual, capable, and responsible operators. On sale of wooden ships when made through a broker a commission of 1½ per cent was allowed, no commission being allowed on sales of steel vessels.

Commissioner Colby resigned on March 4, 1919, Commissioner Page on May 15, Mr. Henry M. Robinson being appointed ad interim on June 13, 1919, to succeed Page. Mr. Schwab resigned as Director General of the Emergency Fleet Corporation on December 2, 1918, Mr. Charles Piez as vice president and general manager on April 30, 1919. A reorganization of official duties and responsibilities followed. Other changes in official personnel occurred, so that on June 30, 1919, the Fleet Corporation had the following trustees: Hurley, Stevens, Donald, Rosseter, Robinson, Ackerson.

Mr. HEFLIN. Mr. President—

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Texas yield to the Senator from Alabama?

Mr. SHEPPARD. I yield.

Mr. HEFLIN. The Senator just made reference to Mr. Schwab. He was director general of the construction work, was he not?

Mr. SHEPPARD. He was placed in charge of the construction work.

Mr. HEFLIN. He made the statement that the vessels which were then being constructed would pay for themselves many times over.

Mr. SHEPPARD. I might say in this connection that Mr. Farrell, another expert in steel construction, stated that the ships built by the Emergency Fleet Corporation were constructed at as low a cost as were any other ships in the world at the time.

The yard construction and enlargement program of the Fleet Corporation was virtually 100 per cent completed by June 30, 1919, the corporation having at its disposal on that day 72 steel-ship yards with 461 ways, 4 steel-tug yards with 21 ways, 87 wood and 7 concrete yards with a total of 473 ways, 53 wood

barge and tug yards with 144 ways, altogether 223 yards with 1,099 ways. Shipyards at work for the Navy and shipyards building vessels of less than 3,000 dead-weight tons were outside the corporation's control and are not included in these figures. In tonnage capacity and in speed of construction the United States was leading the world when the armistice was declared. United States yards were building 48 per cent of the world's ship tonnage under construction during the second quarter of 1919, and 44½ per cent of the world's steel tonnage. The United States had under construction at that time a total dead-weight tonnage of 5,811,214, Great Britain 3,786,075, other countries 2,429,361. The United States had under construction at that time a total steel tonnage of 4,746,663, Great Britain 3,738,408, other countries 2,171,497. Our country was achieving records in shipbuilding never before approached, despite the industrial disturbances following the cessation of hostilities, a great reduction in the office personnel of the Fleet Corporation, intense political criticism, and other discouraging factors.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Florida?

Mr. SHEPPARD. With pleasure.

Mr. FLETCHER. May I suggest to the Senator that the records show that at Hog Island we laid the keel of one of the cargo ships of 7,500 or 8,000 dead-weight tons on one day and launched the ship 27 days thereafter.

Mr. SHEPPARD. I thank the Senator for that contribution to the debate. The fact is that the popular impression to the effect that the Government ship program during and following the war represented a mass of inefficiency and wastefulness is entirely without foundation. It is due to the fact that from 1918 to 1920 a fire of partisan criticism was directed at everything accomplished by the Government, with the result that in the popular mind a distinctly unfavorable impression has been developed as to the administration of almost every such activity. I am trying to show that this impression, so far as our shipping progress may be concerned, is without any basis in fact.

During the eight months following the armistice the corporation completed and delivered ships with a total dead-weight tonnage of 3,192,833, more tonnage by 500,000 than was completed by the corporation before November, 1918. Before the armistice rapidity of construction was the main object; after the armistice restoration of shipbuilding to a normal basis. Contracts were canceled as rapidly as was consistent with sound business judgment. In October, 1918, when the maximum building program was at its peak, 17,399,961 dead-weight tons were under contract. On June 30, 1919, the program contemplated 13,616,836 dead-weight tons. Cancellations were made wherever it appeared that contracts could be canceled at less cost than the difference between cost of completion and probable market value. The board adhered in substance to the building plan submitted to Congress in April, 1918, and approved by Congress, no new commitments or contracts being made after September 26, 1918, except where necessary to carry out work already started. The Republican Party took control of both Houses of Congress on March 4, 1919, an extra session being summoned at an early date, but made no change in this building program. On June 30, 1919, the Fleet Corporation had completed and delivered 1,056 ships, with a total dead-weight tonnage of 5,858,164. It was outfitting 433, with a dead-weight tonnage of 2,010,949. It had on the ways 553, with a total dead-weight tonnage of 3,383,273. It was beginning to construct but had not laid the keels of 326, with a total dead-weight tonnage of 2,364,450. Its total active program on that date contemplated, therefore, 2,368 ships, with a combined dead-weight tonnage of 13,616,836, as before stated. It will be instructive at this point to go into further details. Of the 1,056 delivered ships 332 were requisitioned steel in various stages of construction when received by the corporation, 438 were contract steel, 274 were contract wood, and 12 were contract composite. Of the 433 ships that were being outfitted 14 were requisitioned steel, 201 were contract steel, 209 were contract wood, 6 were contract composite, and 3 were contract concrete. Of the 553 on the ways 23 were requisitioned steel, 393 were contract steel, 128 were contract wood, and 9 were contract concrete. Of the 326 with keels not laid 15 were requisitioned steel, 309 were contract steel, and 2 were contract concrete.

Had all the contracts entered into by the Fleet Corporation for ships been carried out, they would have composed a total dead-weight tonnage of 18,092,921.

Through the division of ship construction the board gave attention to the development of original designs of new types of vessels, approval of contractors' designs, approval of con-

struction details, trial-trip procedure, records of ship construction and ship performance, and so forth.

After the armistice the division of operations of the Fleet Corporation began to lay out trade routes to meet the demands of reviving ocean trade. Vessels were being allocated to the different routes when the food and fuel scarcity in Europe demanded their withdrawal and employment for European relief. So insistent were these demands, as well as the call for ships to move coal to the Pacific for the Navy, that the board was unable in the spring and early summer of 1919 to supply sufficient tonnage for all ordinary freight cargoes seeking transportation. However, by June 30, 1919, the board was furnishing a large and increasing number of vessels for various trades, its shipping trades department continued to place vessels in the different trades and to make every effort to secure cargoes for them. This department made a special study of exports and imports of all countries and their usual routes of transportation, with a view to ascertaining the number and types of ships they required. This department kept in touch with cargo offerings in all home and foreign ports. An enumeration of the vessels which the board had in actual service on June 30, 1919, will give an idea of the manner in which it was meeting the demands on our ocean transportation. It had 197 ships, with a total tonnage of 1,204,953, in the European food relief work; 176 ships, with a tonnage of 1,175,614, in Army work, bringing soldiers home, and so forth; 28 ships, with a tonnage of 161,540, helping the Navy; 236 ships, with a total tonnage of 1,512,808, in the trade with northern Europe; 60 ships, with a tonnage of 315,547, in the southern European trade; 14 ships, with a tonnage of 66,096, in the trade with Africa; 6 ships, with a tonnage of 45,820, in the trade with India, Straits Settlements, and the Dutch East Indies; 77 ships, with a tonnage of 480,963, in the trans-Pacific trade; 188 ships, with a tonnage of 795,926, in the South American trade; 143 ships, with a tonnage of 462,937, in the West Indies and Caribbean trade; 105 ships, of 558,876 tons, in the coastwise, international, domestic, and New England coal trades; a grand total of 1,230 ships, with a total tonnage of 6,791,080.

The board, through its exports and imports department, had brought about the use of wooden vessels in the coal trade by all exporters, the diversion of boats unoccupied at any time to the coal trade, thereby keeping all ships generally employed, and promoting equitable distribution of board tonnage among foreign countries and American exporters, the establishment of the export coal trade on permanent lines, and elimination of speculation in board vessels in the coal trade. This department also assisted in obtaining bunkering stations for board vessels abroad and in framing an insurance plan for the board's wooden vessels that would enhance their desirability.

By June 30, 1919, the board had established line services mainly to European and South American ports, and others were in contemplation.

On May 1, 1919, the board established an actuarial department to study earning capacity of vessels by classes and types, trade routes, commodities handled, and so forth, with a view to greater economies and better results in operation of ships.

From the beginning of ship operation by the board to June 30, 1918, the gross revenues were \$80,000,000; during the year ending June 30, 1919, \$500,000,000, approximately.

We will now review the history of the board from June 30, 1919, to June 30, 1920. Chairman Hurley resigned July 31, 1919, and was succeeded in the chairmanship by John Barton Payne, appointed August 5, 1919. Chairman Payne resigned March 13, 1920, and was succeeded as chairman on that day by Admiral W. S. Benson. On August 5, 1919, T. A. Scott was appointed on the board to succeed Bainbridge Colby, who had resigned March 4, 1919. Commissioners Robinson, Scott, and Stevens resigned on September 15, 1919, April 5, 1920, and June 15, 1920, and no successors to these had been appointed by June 30, 1920. The board consisted on June 30, 1920, therefore, of Admiral W. S. Benson, chairman, and John A. Donald. The merchant marine act of June 5, 1920, had increased the number of commissioners to seven, had provided for the appointment of an entirely new board, the members of the board in office at the time of the act to continue in office until all the members of the enlarged board should be appointed and qualify.

To secure closer contact with, and a better development of, our trade interests in Europe the board began the creation of an European organization in June, 1919. Its special commissioner for Europe established headquarters and the nucleus of an organization at 8 Grosvenor Gardens, London, in that month. By June 30, 1920, Shipping Board representatives had been located in all seaports of the United Kingdom and Continental Europe of substantial importance. Before this organization, centering at London under the special commissioner, was estab-

lished, agents of the companies managing board vessels had looked after these vessels in European ports. Some were diligent, but others allowed American vessels to be subjected to mishandling, delays, and oppressive charges. On account of the congestion and disorganization in European ports, it was difficult for individual agents to supervise our vessels properly.

The board's European organization, through control of movements, charters, cargoes, bunkers, supplies, repairs, and so forth, reduced the average turn around in part of Shipping Board vessels loading or discharging cargo, or both loading and discharging cargo, from 25.4 days for the United Kingdom and 19 days for the Continent in September, 1919, to 19.2 days for the United Kingdom and 11.3 days for the Continent in May, 1920. Material reduction had also been secured in cost of bunkers, supplies, and repairs.

The European organization established an operating department to supervise Shipping Board vessels in Europe in reference to navigation, pilotage, cargo handling, bunkers, ballast, personnel, and salvage work. The operating department set up branch offices in the United Kingdom at London, Liverpool, Manchester, Cardiff, Fowey, Hull, Newcastle; on the Continent at Helsingfors, Stockholm, Gotenborg, Copenhagen, Danzig, Hamburg, Rotterdam, Antwerp, Paris, Dunkirk, Le Havre, Brest, St. Nazaire, La Rochelle, Bordeaux, Gibraltar, Barcelona, Marseille, Naples, Piræus, Constantinople, and Port Said. Traveling representatives covered other ports. This department was supervising on June 30, 1920, a total of 331 vessels—140 of these being in United Kingdom ports, 77 in continental ports, 114 in European waters. It would get in touch with vessels as soon as possible after they reached European ports and render assistance of greatest value. Masters of many American ships were unacquainted with local laws and conditions, and the foreign agents of such ships were frequently chosen with too little opportunity for careful action. The foreign operating department of the board would furnish American ships with latest aids to navigation, warnings as to mines, charts, and so forth, would see that berths were taken promptly, cargoes handled as readily as practicable, bunker and ballast provided in suitable quantities and at proper prices, and recommend diversion of vessels to less congested ports, thereby securing quicker discharges of cargo. This department was in position to render valuable help in securing coal and oil for fuel when local agents were almost helpless. Special storage for Shipping Board oil was secured at Brest and special arrangements perfected with the oil depot at Lisbon. American oil tankers were held at Gibraltar to serve American ships. This department also was of great help in securing prompt aid for stranded vessels, vessels suffering other mishaps, and in supervising salvage operations. It aided materially in looking after the replacement of crews, their behavior in foreign ports, and the treatment of the men by officers and masters.

The European organization also developed a traffic department, handling all European traffic matters connected with Shipping Board vessels, including chartering, demurrage, and cargo claims.

This department was divided into three sections, (1) Baltic and continental traffic, (2) United Kingdom and Mediterranean traffic, (3) demurrage and cargo claims. Its aim was to keep in close contact with cargo developments throughout Europe and to aid American ship interests to secure freighting contracts on as advantageous terms as possible.

The European organization created a construction and repair department to supervise alterations and repairs on Shipping Board vessels in European ports and to see that proper work was done and proper contractors employed. This department by June 30, 1920, had representatives in the United Kingdom at London, Falmouth, Liverpool, Manchester, Newcastle, Hull, Cardiff, Glasgow, Dublin; on the Continent at Dunkirk, Le Havre, Brest, St. Nazaire, Bordeaux, Marseille, Antwerp, Rotterdam, Barcelona, Gibraltar, Lisbon, Genoa, Naples, Hamburg, Danzig, Copenhagen, Stockholm, Gotenborg. It maintained a stock of machinery spares and ship's equipment at Falmouth. It held in readiness the Shipping Board tug *Goliath* to help disabled ships into port. Its duties included inspection of repair lists of ship officers and elimination of work not essential to efficiency or seaworthiness. It rendered substantial service in helping ships to avoid delays on repairs, recommending less congested ports for the work, and so forth. By June 30, 1920, this department had supervised repairs to 4,000 steamers and through its more efficient methods effected a saving of \$1,320,000. It also made reports as to steaming results on vessels completing eastward voyages to European ports, advising as to competency and conduct of engine-room force, these reports ultimately reaching the board at Washington.

The European organization also was equipped with a supply department, which supervised purchase of all supplies in Europe for American vessels, with the result that great savings, better articles, and more prompt deliveries were secured.

The European organization was provided with a legal department, rendering aid in respect to many legal matters arising in connection with American shipping and American trade in Europe, having four main divisions—(1) collision and salvage, (2) general average, (3) commercial law, (4) protection and indemnity insurance; an intelligence department, the duty of which was to keep the Shipping Board and American shipping interests informed as to important shipping, shipbuilding, trade, and industrial developments in Europe; a communications department, handling all communications to and from the London office by cable, land, radio, or otherwise, supervising radio personnel, radio repairs and supplies, submarine signaling apparatus, and keeping the board at Washington and American shipping interests advised as to changes in radio work in Europe, location of new stations, use of new facilities, and so forth; and certain other departments essential to the successful functioning of the organization.

During the year under consideration the board reported on some of the subjects it was required to investigate by the act of 1916, to wit, classification and rating of vessels, marine insurance, navigation laws, and mortgage loans for ships. It was announced that the board had undertaken the redrafting and codification of the navigation laws. The board's recommendations as to some of the subjects last mentioned were embodied in the merchant marine act of 1920, especially those relating to ship mortgages. It devised and recommended a ship-mortgage act which became section 30 of the act of 1920. This act changed and improved the status of ship mortgages as security.

The board also devoted considerable effort to the standardizing of commercial documents, such as bills of lading, charter parties, and so forth.

During the year ending June 30, 1920, nearly all the former German vessels allotted the board were sold or chartered with option of purchase. All the freight vessels and all but 11 of the passenger vessels among them were thus disposed of, the remaining 11 having a gross tonnage of 150,152. The Austrian vessel, *Martha Washington*, was still on hand. Negotiations for sale of the remaining German ships were under way on June 30, 1920, specific authority to sell them having been conferred by the act of 1920. This disposed of the question that had been raised as to the right of the board to sell these vessels.

No proclamation having been issued by the President ending the national emergency and peace not having been declared, the board still had jurisdiction, on June 30, 1920, of the transfer of all American-owned vessels to foreign registry, undocumented as well as documented, under sections 9 and 37 of the act of 1916. Each application to transfer was considered on its own merit, the applicant being required to set out his reasons for the transfer, to show why it was not desirable to operate the vessel under the American flag, and to show the use to which he intended to put the vessel. Under no circumstances would the board grant the transfer if it in any way militated against the welfare of the American merchant marine.

The board, under the conditions before recited, permitted the transfer to foreign registry during the year ending June 30, 1920, of 305 wooden vessels with a gross tonnage of 155,086, 55 steel vessels with a gross tonnage of 97,879, 6 iron vessels with a gross tonnage of 7,967, and 1 composite vessel with a gross tonnage of 2,100, a total of 367 vessels with gross tonnage of 263,632.

Those who have sneered at wooden ships are pointed to the fact that but 600 of these went into foreign trade under foreign flags in 1919 and 1920, while the rest remained in American service. Of course this included many wooden ships not owned by the board.

Mr. STERLING. Mr. President, the Senator from Texas speaks about these wooden vessels which were transferred to foreign registry going into the foreign trade. Does he mean that they were used by foreign nations in overseas trade, or were they used more in the coastwise trade of these other nations?

Mr. SHEPPARD. They were used largely on the shorter routes and services in European waters, such as the Mediterranean Sea and the Black Sea. I do not think they were used to any great extent in the regular trans-Atlantic trade, but they were used in sea trades.

Mr. STERLING. But not in overseas trade in the usual acceptance of that term?

Mr. SHEPPARD. If the Senator means by "overseas trade" the trade between the United States and France or England, I do not think many of the wooden ships were used in that trade. However, they were employed effectively in various sea trades, and were not by any means confined to coastwise trades. However, the Shipping Board had over 80 of these wooden ships in the overseas, trans-Atlantic trade during the fiscal year ending June 30, 1920.

During the year ending June 30, 1920, the recruiting service of the Shipping Board continued to conduct its navigation and engineering schools for training licensed officers, its sea-training bureau for training men below grade of licensed officers, and its sea-service bureau for placing on ships officers and men from all available sources, including its own training agencies. The 13 navigation and 6 engineering schools of the recruiting service, located on the Atlantic, Gulf, and Pacific coasts and the Great Lakes, turned out 5,673 graduates for the year ending June 30, 1920, of whom 4,197 were licensed—about 73 per cent—quite a number of the remainder going to sea as cadet officers and in regular berths on ships to receive licenses later. These schools, since the opening of the first school in 1917, have graduated 13,412 students, of whom 9,642 were licensed, 5,784 as officers; that is, as masters (263), first mates (430), second mates (1,788), and third mates (3,303); 3,858 as engineers—that is, as chief engineers (185), first assistant engineers (519), second assistants (1,478), and third assistants (1,676).

The board's school for training in operation of turbine engines graduated 236 men in the year ending June 30, 1920, having graduated prior to June 30, 1919, 136 men.

On May 3, 1920, the board started a school for the training of licensed engineers on the electric drive.

The sea-training bureau during this fiscal year utilized wooden ships in actual trade, with three stations on land, to train seamen, the total number trained from the beginning of the bureau in January, 1918, to June 30, 1920, being 32,335.

The sea-service bureau of the recruiting service, maintaining agencies at 21 American ports, placed 160,863 officers and men on American ships during the year ending June 30, 1920, nearly 66 per cent of these being American citizens and about 15 per cent being graduates of the recruiting service.

By June 30, 1920, the grand total of ships in the American merchant marine had grown to 3,404 vessels, with a gross tonnage of 11,278,741, this wonderful increase being due mainly to the continued rapid delivery of Shipping Board vessels during the six months following June 30, 1919. Of this grand total, the Shipping Board controlled 1,574 vessels, with a dead-weight tonnage of 9,358,421. By June 30, 1920, American bottoms were carrying nearly 43 per cent of our foreign trade in value, as against less than 10 per cent in 1914 and less than 28 per cent in 1918, and all this was accomplished without a subsidy. As will be shown later, we were carrying more than half by June 30, 1920, in actual tons.

Throughout the year ending June 30, 1920, the board continued to reestablish trade routes in operation before the war in the order of their importance and to open new ones. It carried the American flag on freight vessels to regions where it had never appeared, except at the head of an occasional tramp ship or had never been seen at all. By the end of that year the board had established 209 general cargo berths, affording 229 shipping services. Of these berths, 202 were between the United States and foreign ports and 7 between foreign ports. Of these 202 berths, 100 were from North Atlantic, 27 from South Atlantic, 54 from Gulf, and 21 from Pacific coast ports. Sailing from New York on February 6, 1919, the steamship *Beatrice* was the first steamer under the American flag ever to touch the West Coast of Africa. A regular service was established to that coast with an average sailing every 35 days to June 30, 1920. To meet competition, which was severer there than perhaps any other region of the globe, the service was extended from the West Coast to the United Kingdom and return, with regular schedules.

The services enumerated were cargo services exclusively. On June 30, 1920, the board established two combination freight and passenger services, one consisting of three vessels of a total of 25,680 dead-weight tons from New York to the east coast of South America, the other, consisting of one vessel of 8,500 dead-weight tons, from New York to south and east Africa.

For the continuance of its trade-route program the board had in operation on June 30, 1920, 1,294 steel vessels, with a total dead-weight tonnage of 8,253,416.

Throughout the year ending June 30, 1920, the board continued to extend its foreign supervising organizations so as to

cover the world's principal ports. It also began to encourage American firms establishing offices abroad with their own capital by consigning vessels to them for handling.

The board continued through the year now under observation to exercise the powers of regulation conferred upon it by the shipping act of 1916, the preamble of that act having stated that one of its purposes was the regulation of carriers by water engaged in the foreign and interstate commerce of the United States. As we have seen, the war emergency dwarfed for a time the regulatory work, everything being subordinated to building and operating ships.

The board exercised different rate functions through its division of regulation and its division of operations, respectively. The former passed upon the reasonableness and justness of rates after their initiation by carriers. The latter, while operating vessels on its own account, actually fixed rates, and since the Shipping Board vessels were turned over to private operators, kept a large measure of control of rates by agreements with operators and through the power of allocation. The latter's representative would serve as chairman of the steamship conferences which fixed rates in the various trades. These rates, if complained of, would come before the division of regulation for action the same as if made in the first instance independently of the board. The activities of the division of regulation in reference to conferences and contracts, agreements, understandings, and so forth, relating to rates, traffic, pooling of equipment, and other working arrangements filed under section 15 of the act of 1916, and subject to review and adjustment by the division, continued to grow throughout the year ending June 30, 1920, as did the number of complaints on the formal and informal dockets relating to rates, regulations, practices, classifications of commerce, embargoes, damages to goods in transit, refusal to accept goods when tendered, and so forth.

The merchant marine act of 1920 strengthened the act of 1916 by prohibiting use of deferred rebates or other unfair practices in respect to export or import trade, empowering the board to determine by investigation whether any person not a citizen of the United States was violating these provisions, and authorizing the Secretary of Commerce to deny entry into any United States ports of vessels owned, operated, or controlled directly or indirectly by the offending party.

During the year under discussion the board arranged for the continuance of the work of its port facilities commission by the Board of Engineers for Rivers and Harbors.

On November 20, 1919, the Shipping Board consolidated its own marine and dock industrial relations division, which had handled labor problems connected with vessel operation, and a division of the Fleet Corporation which had handled those connected with ship construction into a new division, to be known as the division of industrial relations, and to deal with all labor questions with which the board might be related. It took about 60,000 men to man the vessels actually owned and controlled by the Shipping Board on June 30, 1920. During the war the board had felt responsible for industrial peace on both its own and all other American-owned vessels. To aid the board in this task the private steamship owners and the marine labor unions on the Atlantic and Gulf coasts voluntarily delegated to the board authority to fix such wage rates and working rules as it might deem fair, its decisions to be binding on all concerned. After the war it was tentatively agreed by all concerned that the board should no longer exercise this power, but should follow on its own vessels rates and standards agreed upon by negotiations between shipowners and maritime workers. To this policy the board adhered during the year we are now considering. At times it used its good offices to bring men and employers together. Partly due to its influence was the provision in the agreement effective May 1, 1920, between owners and the Atlantic and Gulf sailors', firemen's, cooks and stewards' unions for a grievance committee to aid in preventing misunderstandings and in securing harmonious action. From July 8 to July 26, 1919, a great marine strike by seamen held up practically all vessels entering Atlantic and Gulf ports, resulting in an advance in wages of about 20 per cent, which was still in effect on June 30, 1920.

A few days before the close of the fiscal year under discussion the engineers on ocean-going towboats struck in behalf of a demand for a third engineer, but were unsuccessful.

During the war wages and working conditions of longshoremen at most United States ports were fixed by the National Adjustment Commission, composed of representatives selected by the Shipping Board, International Longshoremen's Association, and private employers of longshore labor, and so continued by mutual consent for several months after the armis-

stice. In September, 1919, the commission was reorganized on a peace-time basis, but did not include ports on the Pacific coast or the Great Lakes, unless by special submission. It did not include coastwise longshoremen, except those on a few lines in North Atlantic ports. Many longshore labor difficulties arose during the year we are now considering, both among longshoremen under the commission's jurisdiction and those without it, one of these being a strike which tied up shipping operations for about a month in New York and New Orleans and which was caused by what was considered an inadequate advance in wages awarded by the commission, an advance of 5 cents. Among the longshoremen outside the commission's jurisdiction there were serious strikes at San Francisco, Seattle, and Philadelphia, as well as among coastwise longshoremen at Atlantic and Gulf ports.

In the case of labor rates in construction and repair yards the board adhered in the main to the wages prevailing when the war closed, and this policy met the general approval of wage workers, although there were a number of strikes in some sections due to advances in some yards not being extended to others, and so forth. By June 30, 1920, the number of employees in shipyards had decreased from 289,594 on July 1, 1919, to 75,000. The construction program was rapidly nearing completion.

Through the second six months of 1919 the Emergency Fleet Corporation continued its construction work with results surpassing those of the first half of that year. September, 1919, witnessed the delivery of 150 ships of over 3,000 dead-weight tons each, a total of 810,386 tons. Before 1917 the greatest output of ships in any one year was 1,457 vessels of 921,324 dead-weight tons, including all vessels of 5 tons and over in 1908. The tonnage of steamships alone produced in that year was 722,436 dead-weight tons. More ocean-going vessels were produced in September, 1919, than in any single year in the history of the United States prior to the Great War. This one month's production was greater than the average annual construction in the United States from 1890 to 1916, inclusive, that annual construction being 476,092 dead-weight tons. There was much speculation when the Fleet Corporation was organized as to the maximum tonnage that could be produced in this country in a single year. Belief was expressed that 2,000,000 tons could be delivered in 1918, 5,000,000 in 1919. Great Britain, at that time the greatest shipbuilding nation on earth, had never annually exceeded 3,000,000 tons. The actual performance of the United States was 3,030,406 dead-weight tons in 1918, with 533 ships; 6,379,823 tons in 1919, with 1,180 ships; equal to three a day, including Sundays and holidays. By June 30, 1920, the board had delivered 2,070 ships of 11,622,361 dead-weight tons, was outfitting 124 of 888,675 dead-weight tons, had on the ways 95 of 869,775 tons (dead weight), was preparing to build but had not yet laid the keels of 26 of 294,900 dead-weight tons, a total of 2,315 ships of 13,675,711 dead-weight tons.

Of the delivered ships 374 were requisitioned steel, with a dead-weight tonnage of 2,594,166; 1,101 were contract steel with a dead-weight tonnage of 7,051,445; 589 were contract wood and composite with a dead-weight tonnage of 1,948,250; 6 were contract concrete with a dead-weight tonnage of 28,500. Of the ships being outfitted 1 was requisitioned steel with a dead-weight tonnage of 4,300; 101 were contract steel with a dead-weight tonnage of 854,375; 18 were contract wood and composite, tonnage not given; 4 were contract concrete with a dead-weight tonnage of 30,000. Of the ships on the ways 9 were requisitioned steel with a dead-weight tonnage of 88,800; 84 were contract steel with a dead-weight tonnage of 765,975; 2 were contract concrete with a dead-weight tonnage of 15,000. Those with keels not laid were all contract steel with a dead-weight tonnage of 294,900.

As the number of ships multiplied it became evident that increased dry-dock facilities were essential to the fleet's maintenance and operation. Frequently ships must be docked before delivery, and periodically all in service must be docked for underwater overhauling, repairs of damage by accident, stranding, and so forth. A survey showed the necessity of constructing 13 marine railways, 17 floating docks, and 2 graving docks. These projects were not profitable or practicable as private enterprises, and it became necessary for the corporation to aid in financing them. Funds for this purpose were provided by Congress in the sundry civil act of July 1, 1918, and the deficiency act of November 4, 1918. By June 30, 1920, 9 marine railways were complete and in operation, 2 were in process of construction, and work on 2 had been suspended. Five dry docks were complete and in operation, 11 were in process of construction; and work on 1 had been suspended. In addition, the

corporation itself was constructing 40 pontoons from which 8 dry docks of 10,000 tons each were to be assembled. The 2 graving docks were complete and in operation.

The breaking of all former records in rapidity and quality in ship construction during the year now occupying our attention was due in large degree to the skill and energy of the shipyard workers. There were about 50,000 skilled mechanics in our shipbuilding industry when the war began, a number expanded by intensive training received directly or indirectly from the Fleet Corporation to 385,000. A vast supply of skilled labor was thus made available for private construction which itself had reached unprecedented proportions at the close of the year ending June 30, 1920. By that time 29 of the 30 vessels built in Japan had sailed for the United States, the last one, the *Eastern Sword*, being due for completion about August 5, 1920. One of the four Chinese vessels under contract had been launched with delivery expected in October or November, 1920. Nineteen combination cargo and passenger ships were under construction on June 30, 1920, designed to carry a cargo dead weight of 8,000 tons, passengers and crew, fuel, fresh water, stores, all amounting to 3,000 tons, on a mean draft of 30 feet, with a length of 535 feet each, an ordinary speed of 16 knots with reserve power to increase this to 17½ knots. The number of persons each could carry was 790.

The steaming radius of most of these ships was 14,000 nautical miles. In addition seven other combination cargo and passenger ships were being built, with about 12,000 tons dead-weight capacity each, 31 feet 9 inches mean draft, 14 knots speed, and steaming radius of 15,000 nautical miles. The board was always endeavoring to bring the fleet to a proper balance and to construct the most modern and efficient types of vessel.

A review of the financial accounts of the board from the beginning to June 30, 1920, shows a total appropriated for the board of \$3,109,745,041.65, an amount smaller by \$441,000,000 than the total authorized by Congress. The items for which appropriations had been made were completion of requisitioned ships, construction of ships by contract, plant and property, construction and acquisition, housing, transportation, dry docks and marine railways, foreign ship construction, original capital stock, and so forth. The largest single item was that of contract ships, the appropriation for that purpose being \$1,938,451,000, the authorization \$2,884,000,000.

As the fleet increased the repair department continued to grow in importance, its duties including review of designs for ships under construction, preparation of designs for large cargo vessels, approval of plans for passenger ships, acceptance for the division of operations of completed tonnage, survey of vessels to establish tonnage ratings, and reconditioning of enemy vessels. While the war continued the intense demand for rapid production for war purposes prevented many new designs from being developed and confined construction largely to the best of existing types. With the armistice the situation changed and plans were at once made to adapt our shipping tonnage to modern and future mercantile needs. A review of all existing plans was made by home and field offices and changes found desirable were made in all ships not yet laid down or not too near completion. Thus the lessons learned from ships in actual operation were embodied in the ships in process of construction. By September, 1919, all existing plans had been thoroughly overhauled and revised, and most of the ships of the banner shipbuilding year of all time represented the latest and most practicable types of ocean-going vessels. The cost of modifying and adapting plans to meet the results of experience and observation was more than absorbed by operating economies thus made possible. New plans were devised for cargo vessels of the larger kind with a capacity ranging from 10,000 to 15,000 dead-weight tons, plans representing the most modern conception of economical operation. A 12,000-dead-weight ton tanker of an entirely new type, having expansion tanks at the side, the center space being reserved for the general cargo, was also designed. Instead of having one large room for the crew, as had been the custom, the quarters space was subdivided into small rooms. Thus better accommodations for the crew were provided, and the design in general was considered a distinct improvement over existing vessels.

The repair department assisted the board in connection with trial trips and acceptance of new vessels. Ships built by the Fleet Corporation always had thorough tests before they were delivered, tests arranged for the detection of defects in hull or machinery. Prior to the trial trips all vessels were equipped completely for sea work. Wood ships were docked, recalced, the seams cemented, and two coats of copper paint given the underwater body. Steel ships were docked and cleaned if since the last docking or since launching more than 42 days had passed. This rule did not apply if the steel vessels had been lying in

fresh water. Vessels were subjected to three forms of trial—dock trial, full-power trial, and continuous full power sea trial. The dock trial lasted for six hours, with the vessel in ballast condition, during which the machinery, piping joints, and installation of equipment were carefully inspected and tested. Then the vessel was subjected to a six-hour full-power trial away from the dock in order to test its maneuvering qualities when without freight, to try out windlass and anchors, winches, steering gear, boilers, turbines, auxiliaries, evaporators, pumps, condensers, and so forth. A part of this trial was to stop the vessel, drop both anchors, run out all chain, so that fastenings could be examined, then to lift both anchors at once, so as to determine the capacity of the windlass engine. After passing these two trials the ship was delivered, subject to the third trial while loaded with cargo—the continuous full-power sea trial. The third trial lasted 12 hours for steel vessels, 24 for wood. Machinery, auxiliaries, and equipment were again tested while the vessel was fully loaded and in actual sea service. Loose rivets, or rivets needing calking, which nearly always develop to some extent in new ships loaded and at sea for the first time, were detected and put in proper condition. This last trial also developed the vessel's fuel and water consumption, speed while loaded, propeller strength, and steam-generating capacity.

Prior to these tests inspectors in the service of the Fleet Corporation and of the classification societies constantly supervised the work of construction. Also, surveys of all vessels to ascertain extent of running repairs and to make a record of their physical condition were made before they were turned over to managing companies under the new form of agreement that was being adopted as rapidly as possible after the cessation of hostilities. Further surveys were made by the board's representatives from time to time to assure maintenance in good condition and to prevent deterioration, and special surveys were had in addition whenever necessary to ascertain damages from collision, bad weather, stranding, and so forth. During the year ending June 30, 1920, about 1,500 surveys were conducted and Shipping Board vessels through this constant and skillful supervision in both construction and operation soon established the reputation of being built, equipped, and operated as efficiently as any ships in existence.

The impression studiously cultivated in some quarters that the Shipping Board fleet represents inefficient and wasteful construction, hastily thrown together and unadapted to the requirements of modern commerce, is without any real foundation. With so many of these ships on hand that hundreds must to-day be laid up during the present period of trade depression for lack of tonnage, the argument that we must tempt private interests to build more ships with generous loans and donations from the United States Treasury dissolves into vacancy.

By June 30, 1920, five of the ex-enemy passenger vessels had been reconditioned and placed in service, and six were in process of reconditioning, together with three cargo ships and three wrecking tugs.

By June 30, 1920, the board had the remeasurement of tonnage well under way, excluding from tonnage on which tonnage ratings gross and net, the basis of wharfage, dock, port and harbor, canal, and other operating expenses, were calculated, the inner bottom space used for fuel oil, stores, feed water or drinking water, light and air spaces, and so forth, and thereby effecting immense savings in operating outlay, and placing our ships on an equality with others as to fixed charges in ports, canals, and so forth.

On June 30, 1920, the board of trustees of the Emergency Fleet Corporation consisted of W. S. Benson, president; John A. Donald, vice president; John Barton Payne, and Martin J. Gillen. On March 1, 1920, J. L. Ackerson, vice president in charge of construction, had resigned and was succeeded by R. L. Hague as director of the division of construction and repairs, this division representing a consolidation of two separate divisions.

In the division of operations Director John H. Rosseter had resigned on October 31, 1919, to be succeeded by Director John E. Cushing, who resigned on May 31, 1920. Director Paul Foley succeeded Cushing.

By June 30, 1920, the division of operations of the Emergency Fleet Corporation had under its control 1,502 vessels, with a dead-weight tonnage of 9,367,551. Over 1,000 of these were employed in foreign trade to the principal ports of the entire world. They were holding their own with the ships of other nations, and the American flag was once more the symbol of as efficient a shipping service as seas or shores had ever known.

During the six months ending June 30, 1920, the number of all American vessels in the export and import trade of the United States was 9,550, with 51,534,620 dead-weight tons, or 22,724,217

cargo tons. The number of all foreign ships in this trade was 6,008, with 35,397,080 dead-weight tons, or 15,273,967 cargo tons. Of the number of ships engaged the United States had 61.4 per cent; foreign ships, 38.6. Of the dead-weight tonnage represented the United States had 59.3 per cent; foreign ships, 40.7. Of the cargo tonnage carried the United States had 60.8 per cent; foreign ships, 39.2. The ratio of cargo tonnage to dead-weight tonnage was for United States ships, 44.1 per cent; for foreign ships, 41.5. In value American-borne tonnage equalled nearly 43 per cent of the whole.

On March 1, 1920, the method of rate making was changed by the adoption of a new form of agreement for the operation of Shipping Board vessels, known as managing agency agreement No. 3. This form of agreement was based on the idea of profit sharing, and cargo rates thereunder were made by conferences of Shipping Board managing agents, conferences organized under the supervision of the traffic department of the Division of Operations. Managing agents were permitted to make rates on full and bulk cargoes subject to current market quotations. After these new conferences began to function the rates division no longer issued tariffs. Four general conferences of the kind indicated were established—the North Atlantic, with headquarters at New York; the South Atlantic, with headquarters at Savannah; Gulf, with headquarters at New Orleans; Pacific coast, with headquarters at San Francisco. Subcommittees operated at the other ports in each district covering cargo services to all sections of the globe. The result was a complete steadying of rates in some trades and improved rate conditions in all the rest. Under the new system conference rates were required to represent a unanimous vote, all disagreements being submitted to the board. Even unanimous-rate changes, if drastic, had to be submitted to the board for approval.

It may be interesting to point out that of the entire Shipping Board fleet in active operation on June 30, 1920, there were 170 wood vessels, with an aggregate tonnage of 628,384. About 50 per cent of these were in the trans-Atlantic trade, and 5 were operating abroad under the London office.

An inventory of the assets of the Fleet Corporation on June 30, 1920, showed a total value of \$3,537,726.94, as against total appropriations from the beginning of more than three hundred millions less than that amount.

Reviewing the work of the Shipping Board to June 30, 1920, we may well pronounce it one of the most thrilling and stupendous accomplishments of all time. In rapidity of ship construction it shattered all existing records and reached a mark far exceeding anything that had been deemed possible. In adapting its program to peace conditions its achievements were equally amazing. In an incredibly short time it converted a fleet shaped principally for the carrying needs of war into an aggregation of merchant ships superbly fitted for the commercial demands of peace.

In 1914 the American flag had all but vanished from the seas; in 1920 it was mirrored in all the waters of the globe. Under the supervision and inspiration of the Shipping Board American merchant ships were furnishing in 1920 more than half our foreign-trade tonnage in quantity and nearly 43 per cent in money value. I am endeavoring to outline the complicated and imposing responsibilities, tasks, and duties devolving on the Shipping Board in the regulation and development of American commerce on the oceans and in the construction of suitable facilities therefor and the manner in which it has met them in order to show that its record constitutes an everlasting example of the highest capabilities of American genius, American vision, American skill. For the workers and the officials who performed that history-crowning feat there should be naught but praise and honor. It is a brilliant tribute to the capacity of the American people to execute vast national projects through the American Government.

It will be remembered that under the act of 1916 there was to be no direct construction or operation of ships by the Shipping Board, except for a period of five years from the conclusion of the war, and no direct operation of any vessel during that period until after the board had made every reasonable effort to sell, lease, or charter the vessel to a private owner. This act became law in September, 1916, but before its policies could be put into active practice we became involved in the European war and the shipping situation fundamentally changed. The war shipping acts of June, 1917, and subsequent dates gave the Shipping Board, mainly by delegation by the President of part of his war power, practically unlimited authority to construct, commandeer, purchase, lease, and operate ships, and to control practically all American shipping. It was under these war shipping acts, radically altering the policy contemplated in the peace-time shipping act of 1916, that the enormous construction program heretofore described was accomplished, and the immensely difficult and

complicated tasks imposed upon the board during the war were discharged. After the armistice the supply of tonnage for the return of the troops, for European food relief, and for coal movements to sustain the Navy represented further demands growing out of war conditions, although active hostilities had ceased. As soon as it could possibly do so, the board began to adapt its plans and policies to the development of a merchant marine adequate to permanent and normal commercial needs and to provide for private operation. The board was returning as quickly as it could reasonably do so to the spirit and purpose of the act of 1916.

Such was the situation in June, 1920, when a new shipping act, known as the merchant marine act of 1920, became operative. A review of that act is essential at this point.

Section 1 of that act declares that it is necessary for the national defense and for the proper growth of its foreign and domestic commerce that the United States shall have a merchant marine of the best equipped and most suitable types of vessels sufficient to carry the greater portion of its commerce and serve as a naval or military auxiliary in time of war or national emergency, ultimately to be owned and operated privately by citizens of the United States; that it is hereby declared to be the policy of the United States to do whatever may be necessary to develop and encourage the maintenance of such a merchant marine, and, in so far as may not be inconsistent with the express provisions of this act, the United States Shipping Board shall, in the disposition of vessels and shipping property as hereinafter provided, in the making of rules and regulations, and in the administration of the shipping laws, keep always in view this purpose and object as the primary end to be obtained.

Section 2 repeals a number of emergency shipping measures enacted during the war, to wit, the emergency shipping act of June 15, 1917, as amended and certain other acts and parts of acts, and then repeals sections 5, 7, and 8 of the act of 1916, which have been already described.

Sections 3 and 4 increase the number of commissioners to seven and increase their salaries to \$12,000 each. Section 3 reenacts section 3 of the act of 1920 with little further change, except to prescribe more specifically the geographical distribution of the board and to authorize a division of duties among the commissioners. This section also provides that the board shall have such other rights and duties not inconsistent with the merchant marine act of 1920 as are conferred by existing law.

Section 4 of the merchant marine act of 1920 provides that vessels and property acquired by the President under the acts repealed by section 2, or under the joint resolution of May 12, 1917 (40 Stat. 75), authorizing him to take possession of enemy vessels, except such as may in the President's opinion be required by other branches of the Government, be transferred to the Shipping Board—vessels in the military and naval service, including those assigned to river and harbor work, and so forth—to be exempt from this act.

Section 5 provides that the Shipping Board shall sell as soon as practicable, consistent with good business methods and the purposes and policy of this act, to citizens of the United States, except as provided in section 6, all vessels transferred under section 4 or otherwise acquired. The sale is to be made on terms and conditions prescribed by the board, but payment of purchase price must be completed within 15 years after sale. The board is to take into consideration in fixing price the prevailing market price, supply, and demand for vessels, freight rates, construction cost of similar vessels at the time, as well as actual cost of vessels to be sold, and any other facts which would influence a prudent business man in a similar situation. Sales are to be subject to restrictions on transfer to aliens, prescribed in section 9 of the act of 1916 as amended by section 18 of this act.

Section 6 provides that the board may sell to aliens on similar basis as in section 5 to citizens such vessels as it deems unnecessary to promotion and maintenance of an efficient merchant marine, such action to be taken only by vote of five members on inability after diligent effort to make a sale under section 5. Reasons for the sale are to be entered on the board's records. Completion of payment is not to be deferred more than 10 years after sale, deferred payments to bear interest at not less than 5½ per cent payable semiannually.

Section 7 authorizes the board to determine as soon as possible and from time to time thereafter what steamship lines should be established and put in operation from ports in the United States or any Territory, district, or possession thereof to such world and domestic markets as in its judgment are desirable for the promotion, development, expansion, and maintenance of the foreign and coastwise trade of the United States and an adequate postal service, and to determine the type,

size, speed, and other requirements of the vessels to be employed on such lines and the frequency and regularity of their sailings with a view to furnishing adequate, regular, certain, and permanent service.

The board is authorized to sell, and if satisfactory sale can not be made, to charter such of the vessels referred to in section 4 of this act or otherwise acquired by the board, as will meet these requirements, to responsible persons who are citizens of the United States and who agree to establish and maintain such lines on such terms of payment and other conditions as the board may deem just and necessary to secure and maintain the service desired. If no such an agreement can be made the board shall operate vessels on such line until business is developed, so that such vessels may be sold on satisfactory terms and the service maintained, or unless it shall appear within a reasonable time that such line can not be made self-sustaining. The Postmaster General is authorized to contract for carrying the mail on such lines at prices agreed upon by him and the board, notwithstanding the act of March 3, 1891, directing contracts to be made with the lowest responsible bidder. Preference in sale or assignment of vessels for operation on such lines is to be given to persons, citizens of the United States, who have the support, financial or otherwise, of the domestic communities primarily interested in such lines if the board is satisfied of the ability of such persons to maintain the service, or to persons, citizens of the United States, who may then be maintaining a service from the port of the United States to or in the general direction of the world market port to which the board has determined that such service should be established. Where steamship lines and regular service have been established and are being maintained by ships of the board at the time of the enactment of this act, such lines and service shall be maintained by the board until in the opinion of the board the maintenance thereof is unbusinesslike and against the public interests. Wherever Government service is in operation in addition to private American service, Government rates are to be not less than cost plus proper interest and depreciation charges on vessels and equipment employed.

Section 8 provides that the board in cooperation with the Secretary of War shall investigate zones tributary to ports with a view to port development and development of transportation facilities in connection with water commerce, taking into consideration revenues of transportation by rail, water, and highway and natural direction of flow of commerce; also the congestion of ports, proper equipment of terminals, and so forth, with a view to advising communities; also the practicability and advantages of harbor, river, and port improvements in connection with foreign and coastwise trade; and the board is also authorized to submit findings to the Interstate Commerce Commission as to railroad rates and other conditions detrimental to water transportation.

Section 9 provides that the board shall require in connection with deferred payments that vessels be kept insured, as prescribed by the board.

Section 10 requires the board to create out of net revenue from operations and sales and maintain a separate insurance fund to protect the interest of the United States in vessels constructed or partly constructed and plants or materials acquired by or transferred to the board.

Section 11 provides that the board, during a period of five years from the date of this act, may annually set aside out of the revenues from sales and operations a sum not exceeding \$25,000,000, to be known as its construction loan fund, to be used in aid of the construction of vessels of the best and most efficient type, on such terms as the board may prescribe, by persons, citizens of the United States, in private shipyards in the United States. No loan is to be for more than two-thirds of the cost of the vessels constructed and the board is to require security, including first lien on the vessel, for repayment, with interest, and for maintenance of the service for which the vessel is built.

Section 12 provides that all vessels may be reconditioned and kept in suitable repair and, until sold, shall be managed and operated by the board or chartered or leased by it on such terms as are deemed wise in the promotion and maintenance of an efficient merchant marine, pursuant to policy and purposes declared in sections 1 and 5 of the act—sections requiring sale at earliest practicable time; that the Fleet Corporation shall continue in existence and have authority to operate vessels, unless otherwise directed by law, until all vessels are sold in accordance with this act and notwithstanding section 11 of the shipping act of 1916, which terminates the corporation five years after the close of the European war.

Section 13 authorizes the board to sell any property other than vessels transferred under section 4 on such conditions as it may prescribe.

Section 14 provides that net proceeds derived prior to July 1, 1921, from activities under this act or the shipping act, or the acts specified in section 2 of this act, except amounts needed for operating capital for purposes of section 12, or for insurance fund under section 10, or for construction loan fund under section 11, shall be covered into the Treasury to the credit of the Shipping Board, to be available for construction, purchase, and so forth, of vessels within authorized limits; that after July 1, 1921, such net proceeds, less such an amount as may be authorized by Congress to be withheld as operating capital and less such sums as may be needed for such insurance and construction loan funds, shall be covered into the Treasury as miscellaneous receipts; that the board shall as rapidly as it deems advisable withdraw investment of Government funds made during emergency under the authority conferred by the acts or parts of acts repealed by section 2 of this act and cover the net proceeds thereof into the Treasury of the United States as miscellaneous receipts.

Section 15 provides that the board shall not require payment from the War Department for the charter hire of vessels owned by the United States Government furnished by the board from July 1, 1918, to June 30, 1919, inclusive, for the use of such department.

Section 16 terminates all authority of Emergency Fleet Corporation to purchase, build, requisition, lease, exchange, or otherwise acquire houses, buildings, or land under the act of March 1, 1918, provided that expenditures may be made under said act for repair of houses and buildings already constructed and the completion of such houses or buildings as have heretofore been contracted for or are under construction, if considered advisable, and the board is authorized and directed to dispose of all such properties, or the interest of the United States in such properties, at as early a date as practicable consistent with good business and the best interests of the United States.

Section 17 directs the board to take over on January 1, 1921, and maintain and develop all docks, terminal facilities, and so forth, acquired by the President under the act of March 28, 1918—that is, the former property of the North German Lloyd and Hamburg-American lines. The President is authorized to transfer to the board at any time the terminal facilities, and so forth, acquired during the war emergency for military or naval uses; also to direct temporary transfer back to the War or Navy Departments when necessary; and no such property is to be sold except as provided by law hereafter.

Section 18 reenacts section 9 of the shipping act of 1916, relating to registry, enrollment, license, and documentation of vessels acquired from the Shipping Board, with some slight amendments. It omits reference in said section 9 to war or national emergency conditions.

Section 19 relates to the duties of the Shipping Board, and requires that it shall make all necessary rules and regulations to carry out the provisions of this act; that it shall make special regulations to meet conditions unfavorable to trade arising from foreign laws, practices, and so forth; that it shall request modification of regulations of other governmental agencies affecting foreign shipping, except those of the Public Health Service, Consular Service, and Steamboat Inspection Service; that no regulation affecting foreign shipping shall be hereafter established by any Government agency, except those last named, until such regulation has been approved by the President; that the President shall determine the differences between the board and any other agency making the regulations before alluded to; that no regulation shall be established giving vessels owned by the United States any preference over documented vessels owned by citizens.

Section 20 amends section 14 of the shipping act of 1916 and adds a new section to that act—14a—both sections relating to rebates, use of "fighting ships" in beating down competition, retaliations, and discriminations against shippers, and providing how they shall be dealt with, and so forth. The summary given to these sections in my synopsis of the shipping act of 1916 covers the amendments made by section 20 of the merchant marine act of 1920, the act now under review.

Section 21 provides that the coastwise laws shall extend to all island territories and possessions from February 1, 1922; that the board shall establish adequate steamship service at reasonable rates prior to the expiration of such year and maintain such service until it can be taken over and operated on satisfactory terms by private capital, the President to extend period allowed for establishment of adequate service if it is not established by February 1, 1922, so long as may be necessary in the case of any Territory or possession; that the Philippine Government is authorized to regulate shipping between Philippine ports until Congress authorizes the registry of Philippine vessels as vessels of the United States, this section not to take effect as to

the Philippines until the President by proclamation, after full investigation of local needs, declares that an adequate service has been established and fixes a date for such taking effect.

Section 22 repeals the act of October 6, 1917, authorizing Shipping Board to permit foreign-built vessels admitted to American registry and vessels of foreign registry to engage in the coastwise trade until 120 days after close of war, but provides that foreign-built vessels admitted to American registry, owned by persons citizens of the United States February 1, 1920, and foreign-built vessels now owned by the United States, when sold to and owned by persons citizens of the United States, may be admitted to coastwise trade while so owned, and also provides that the board is authorized to permit carrying of passengers between Hawaii and the Pacific coast in foreign vessels until February 1, 1922.

Section 23 provides that owners of documented vessels in foreign trade be allowed for the next 10 taxable years, as deduction from net income under war-profits and excess-profits taxes the net earnings of such vessels, determined as prescribed by the board, on condition of investing at least three times what would have been the tax, as certified by the Secretary of the Treasury, in the construction in American shipyards of new vessels under regulations prescribed by the board; that citizens selling during the next 10 years any documented vessel built prior to January 1, 1914, should be exempt from income, war-profits, and excess-profits taxes on proceeds of sale if entire proceeds are invested in construction in American shipyards of new vessels to be documented under United States laws and of a type approved by the board.

Section 24 provides that all United States mails carried on vessels shall be carried, if practicable, on American-built vessels documented under our laws; that contracts for carrying mails on such vessels shall not be assigned or sublet, nor shall mail covered by such contracts be carried on other vessels, no money to be paid on the contract in case of violation of these provisions; that the Shipping Board and the Postmaster General shall determine reasonable rates of compensation in aid of the development of an American merchant marine and of a satisfactory postal service; that the Postmaster General is authorized to enter into contracts at such rates, within limits of appropriations made, notwithstanding the act of March 3, 1891, which directs that contracts be made with the lowest responsible bidder.

Section 25 provides that all Government departments, boards, bureaus, and so forth, shall recognize the American Bureau of Shipping as their agency as long as it is maintained as a non-dividend-paying organization with no capital stock for purposes connected with the classification of Government-owned vessels; that the Secretary of Commerce and the chairman of the Shipping Board shall appoint one representative each on the executive committee of this bureau, to be accepted by it as active members; that such representatives shall serve without pay, except traveling expenses; that the official list of merchant vessels published by the Government shall hereafter contain a notation clearly indicating all vessels classed by the American Bureau of Shipping.

Section 26 provides that cargo vessels documented under United States laws may carry not over 16 persons in addition to the crew without being classed as "vessels carrying passengers" under the inspection laws, but that regulations as to life-saving equipment must be complied with; that persons other than members of the crew shall be notified as to any dangerous articles on board or other risk of safety; that the privileges of this section be extended in the foreign trade to the cargo vessels of any nation which allows the like privilege to cargo vessels of the United States in trades not restricted to vessels under its own flag.

Section 27 provides that no merchandise shall be transported by land or water on penalty of forfeiture between ports in the United States or its possessions subject to the coastwise laws in a vessel other than one built in the United States, documented under the laws of the United States, and owned by United States citizens, or a vessel to which these privileges extended by section 18 or section 22, above, this section not to apply to shipments between places in the United States—not including Alaska—over through routes recognized by the Interstate Commerce Commission and including Canadian railroads and water connections, nor to become effective as to the Yukon River until the Alaska Railroad is completed and the Shipping Board finds that proper transportation facilities will be furnished by our citizens.

Section 28 provides that no common carrier shall charge for transportation, subject to the interstate commerce act, of persons or property under any joint rate, fare, or charge, or under any export, import, or other proportional rate, fare, or

charge based in whole or in part on the fact that the persons or property affected thereby are to be transported to, or have been transported from, any port in a possession or dependency of the United States, or in a foreign country, by a carrier by water in foreign commerce, any lower rate, fare, or charge than that charged, collected, or received by it for the transportation of persons or of a like kind of property for the same distance, in the same direction, and over the same route, in connection with commerce wholly within the United States, unless the vessel so transporting such persons or property is, or unless it was at the time of such transportation by water, documented under the laws of the United States; that whenever the board is of opinion, however, that adequate shipping facilities to or from any port in a possession or dependency of the United States or a foreign country are not afforded by the vessels so documented it shall certify this fact to the Interstate Commerce Commission, and the commission may by order suspend this section for such time and under such terms as it may prescribe; that such suspension may be terminated by order of the commission whenever the board is of opinion that adequate shipping facilities by such vessels to such ports are afforded and shall so certify to the commission.

Section 29 provides that antitrust laws are not to apply to marine-insurance association, pools, and so forth, for marine insurance and reinsurance business in the United States and abroad.

Section 30 contains a number of provisions relating to ship mortgages, embodying the recommendations of a special committee of the board which had investigated this subject under direction of section 12 of the shipping act of 1916. Section 30 of the act of 1920, the act under review, is commonly known and cited as the "ship mortgage act." Its object, as heretofore indicated, is to improve the character and negotiability of mortgages on ships.

Section 31 amends section 4530, Revised Statutes of the United States, so as to provide that every seaman on a United States vessel shall be entitled to receive on demand from the master half of the balance of his wages earned and remaining unpaid at the time when such demand is made at every port where such vessel, after the voyage has commenced, shall load or deliver cargo before the voyage is ended, and all stipulations in the contract to the contrary shall be void, provided such demand shall not be made before expiration of, nor oftener than once in, five days nor more than once in the same harbor on the same entry; that any failure on the master's part to comply with this demand shall release the seaman from his contract and entitle him to all wages earned; that when the voyage is ended every such seaman shall be entitled to remainder of wages due him, as provided in section 4529 of Revised Statutes, provided that notwithstanding any release signed by any seaman under section 4552, Revised Statutes, any court having jurisdiction may, on good cause shown, set aside such release and take such action as justice shall require; and provided further, that this section shall apply to seamen on foreign vessels while in harbors of United States, and the courts of the United States shall be open to such seamen for its enforcement.

Section 32 amends paragraph (a) of section 10 of the act entitled "An act to remove certain burdens on the American merchant marine and encourage the American foreign-carrying trade, and for other purposes," approved June 26, 1884, so as to provide that it shall be unlawful in any case to pay any seaman's wages in advance of the time when he has actually earned them, or to pay such advance wages, or to make any order or note or other evidence of indebtedness therefor to any other person, or to pay any person for the shipment of seamen when payment is deducted or to be deducted from a seaman's wages; that any person violating this section shall be fined not less than \$25 nor more than \$100, and may also be imprisoned for not exceeding six months; that payment of such advance wages or allotment, whether made within or without the United States or territory subject to the jurisdiction thereof, shall in no case, except as herein provided, absolve vessel or master or owner from full payment of wages after same shall have been actually earned, and shall be no defense to a libel suit or action for the recovery of such wages; that any person demanding or receiving, directly or indirectly, from any seaman or other person seeking employment as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment shall be subject to imprisonment for not more than six months or fined not more than \$500.

Section 33 amends section 20 of an act of March 4, 1915, so as to provide that any seaman suffering personal injury in course of employment may at his election maintain an action

for damages at law with the right of trial by jury, and that in such action all statutes of the United States modifying or extending the common-law right or remedy in cases of personal injury to railway employees shall apply; that in case of death resulting from such personal injury the personal representatives of such seaman may maintain similar action and the United States Statutes referred to shall also apply; that jurisdiction in such cases shall be under the court of the district in which the defendant employer resides or in which his principal office is located.

Section 34 provides that in the judgment of Congress articles or provisions in treaties or conventions to which the United States is a party which restrict the right of the United States to impose discriminating customs duties on imports entering the United States in foreign vessels and in vessels of the United States, and which also restrict the right of the United States to impose discriminatory tonnage dues on foreign vessels and on vessels of the United States entering the United States should be terminated and that the President is hereby authorized and directed, within 90 days after this act becomes law, to give notice to the several governments, respectively, parties to such conventions or treaties that so much thereof as imposes any such restriction on the United States will terminate on the expiration of such periods as may be required for the giving of such notice by the provisions of such treaties or conventions.

Section 35 provides that the power and authority vested by this act in the Shipping Board, except as herein otherwise specifically provided, may be exercised directly by the board or by it through the United States Shipping Board Emergency Fleet Corporation.

Section 36 provides that unconstitutionality of any provision of this act shall not affect the remainder of the act.

Section 37 provides that when used in this act, unless the context otherwise requires, the terms "person," "vessel," "documented under the laws of the United States," and "citizen of the United States" shall have the meaning assigned them by sections 1 and 2 of the shipping act of 1916, as amended by this act; that the term "board" means the United States Shipping Board, and the term "alien" any person not a citizen of the United States.

Section 38 amends section 2 of the shipping act of 1916 so as to require ownership by United States citizens of 75 per cent of a corporation, and so forth, to enable it to operate vessels in coastwise trade and so as to apply same definitions to this 75 per cent interest as is applied in that section to the term "controlling interest" in connection with American citizenship.

Section 39 provides that this act may be cited as the "merchant marine act, 1920."

Having made this review of the act of 1920, let us briefly compare it with the act of 1916.

The act of 1916 contemplated Government construction of ships by the board in the form of a corporation whenever the Shipping Board might deem such action essential to a properly developed and balanced merchant marine, such construction to be had preferably in private shipyards.

The act of 1920 contemplated no new Government construction, except such as might have been begun under the war shipping acts and might be deemed worthy of continuance, but established a loan fund of \$25,000,000 to aid private construction in private shipyards and provided certain tax remissions to encourage the use of earnings in further ship construction by private interests. It is also provided that all existing contracts or agreements should be carried out.

The act of 1916 provided that effort should be made to secure immediate private operation of all ships constructed by the board in its corporate form, and in the event of failure that the board should in said corporate form, a form that came to be known as the Emergency Fleet Corporation, operate such ships for five years after the close of the war, at which time the said corporation should be dissolved and private operation become imperative. The construction function was to continue indefinitely, not to supplant private construction but to supplement, round out, and complete the merchant marine from the standpoint of the national interest. The existence of such a function in the Government serves as a check against undue or extortionate costs in private yards and insures a properly balanced merchant fleet. The national interest—that is, the interest of the people as a whole—in a merchant marine is too fundamental and far-reaching to justify its entire delegation to private concerns. There are frequently instances where private interests would not develop a merchant marine as comprehensively as would be the case if the Government retained this supplementary construction function. For instance, a ship line in a new region might be ultimately desir-

able, but on account of initial risks and the uncertainty attaching to a venture in an untried situation private capital might never undertake the task, especially when enterprises in existing routes were constantly bidding for new funds and offering well-known security.

Here the Government could well exercise its construction function, see to it that the new and unfamiliar route was thoroughly tried out, and after firmly establishing it turn it over to private interests whose good faith and capacity were ascertained. The higher interests of the Nation as a whole would be subserved, its commerce permanently improved, although an actual profit in dollars and cents, the only profit private enterprise knows, might not appear in the Government ledger.

The act of 1920 contemplated operation by the Shipping Board and the Emergency Fleet Corporation, directly or by contract, until all the ships owned by the Government should be sold, and provided that the board should conduct all its activities with a view to the sale of all those ships to private interests on such terms as a fair return and good business judgment would dictate. To this end the act of 1920 repealed that portion of the act of 1916 terminating the Fleet Corporation five years after the war and provided that it should continue to function until all the ships were sold. In the meantime it empowered the board to establish new routes and, if private parties could not be found in the first instance to accept charters for vessels therein, to operate such vessels until the routes should be so definitely established as to make private sale practicable or until they had been shown to be incapable of economical development.

The act of 1920 strengthened the regulatory provisions of the act of 1916 relating to all our shipping, and enlarged and added other valuable functions, and added other provisions of distinct merit, all of which have been enumerated.

The principal change of policy embodied in the act of 1920 was to terminate construction power conferred on the Government by the act of 1916, a power essential, in my judgment, to the preservation of the national interest in a merchant marine; a power needed not to displace but to supplement, round out, and guard against the excesses of private enterprise.

We are now in position to examine the operations of the Shipping Board under the act of June 5, 1920, known commonly as the merchant marine act of 1920. I have already outlined the history of the board to June 30, 1920. I now invite attention to its transactions during the year ending June 30, 1921. As heretofore indicated the act of 1920 created a new board to consist of seven members, but provided that the existing board should continue in office until all the new commissioners should be appointed and qualify. Congress adjourned the day after it passed the act of 1920, and on the day the President approved it, June 5, and failed to make appropriation for the salaries of the new board. Under such conditions it became difficult to find men who would accept recess appointments to the board. As we have already seen, the board at the time the act of 1920 became law consisted of Admiral Benson, chairman, and John A. Donald. On November 10, 1920, recess appointments were accepted by the following: W. S. Benson, chairman, Frederick I. Thompson, John A. Donald, J. N. Teal, Chester A. Rowell, Guy D. Goff, and Charles Sutter. These gentlemen qualified in so far as they could personally do so on December 1, 1920, but they were not confirmed by the Senate, and on March 4, 1921, their terms lapsed. President Harding on March 11, 1921, designated Admiral Benson by letter to act as chairman until a new board could be appointed. On June 9, 1921, the new board authorized by the act of June 5, 1920, was appointed as follows: Albert D. Lasker, chairman, from the interior, term six years, qualified June 13, 1921; T. V. O'Connor, vice chairman, from the Great Lakes, term five years, qualified June 15, 1921; George E. Chamberlain, Pacific coast, term four years, qualified June 13, 1921; Edward C. Plummer, Atlantic coast, term three years, qualified June 14, 1921; Frederick I. Thompson, Gulf coast, term two years, qualified June 13, 1921; Meyer Lissner, Pacific coast, term one year, qualified June 11, 1921; W. S. Benson, Atlantic coast, term one year, qualified June 13, 1921. A year later Lissner and Benson received six-year appointments.

These gentlemen were all confirmed by the Senate. At the foot of the list of the members of the new board was placed, it will be noted, Admiral Benson, the man who almost alone had administered the tremendous undertakings of the board for many critical months with conspicuous capacity and fidelity. What a tribute to him and to Mr. Donald it is that the work of so extensive an institution was handled so ably under their supervision against a storm of misrepresentation and attack such as has been rarely seen in American history.

Mr. FLETCHER. Mr. President—

Mr. SHEPPARD. I yield to the Senator from Florida.

Mr. FLETCHER. May I interrupt the Senator to say that was true, notwithstanding the fact that the law under which they were acting required certain important things to be done only by a vote of the majority of the members of the board. So that, not having a majority of seven on the board, they were unable to get a majority vote on many propositions which might have been worked out if they had had a full board.

Mr. SHEPPARD. I am glad the Senator has called attention to this.

During the year now under review a new managing agency agreement, known as MO-4, was devised by a standing committee, consisting of representatives of the board and representatives of the managers. This agreement took retroactive effect as of March 1, 1920, and displaced the previous agreement which has been heretofore described and which was known as MO-3. Under the new agreement the manager was to receive a commission on gross revenues instead of a part of the profits, and a commission on salvage earned. Greater responsibility was placed on the managing agent for default of his domestic and foreign subagents, and the standing committee was to make suggestions as to interpretation of the agreement, the board reserving the right to make final interpretations and to fix salvage awards.

The War Department was relieved by section 15 of the merchant marine act of 1920 from payment of charter hire for Shipping Board vessels from July 1, 1918, to June 30, 1919, the amount involved being \$49,061,888.88. On February 1, 1921, a settlement was made as to all other accounts between the War Department and the Shipping Board and thereafter their relations were on a commercial basis. By other acts the Navy was relieved of charter hire due the board in the sum of \$7,264,472.87.

During the year ending June 30, 1921, the board's committee on navigation laws continued the redrafting and codification of the navigation laws, laws enacted from time to time during the preceding 140 years, having in view not only codification of but recommendations of changes in existing laws.

On December 10, 1920, the board suggested the creation of a joint committee representing the board and the Interstate Commerce Commission, the committee to consider various provisions of the railroad transportation act of 1920, to study rail and water rates, regulations, and practices with a view to securing cooperation of rail carriers, water carriers, shippers, and ports, and to make suitable recommendations. Such a committee was appointed and was continuing to function at the end of the fiscal year we are now studying.

On April 15, 1921, the board created a division of field information to study such duties of the board under the shipping act of 1916 and the merchant marine act of 1920 as related directly to the promotion of a privately owned and operated merchant marine, these duties comprising the investigation of foreign discrimination and unfair competition against United States ships, of the commercial and economic aspects of port developments, of new trade routes and berth liner services, of an ample marine insurance system, of the status of ships of American registry, and distribution of information to shipping interests generally.

During the year under review the board allocated to the Pacific coast—Hawaii-Oriental-Manila route—the newly constructed 535-foot combination passenger and cargo vessels, declining further permission after June 30, 1921, to Japanese and Chinese companies to carry passengers between San Francisco and Hawaii under section 22 of the act of 1920.

Applications were received from about 27 shipowning companies for remission of certain taxes under section 23 of the act of 1920 on condition that net earnings in foreign trade be invested in new tonnage or put in trust for that purpose, the 27 companies agreeing to build about 737,000 tons of new ships. Nearly a third of this new tonnage was to be constructed by two Standard Oil concerns—the Standard Oil Co. of New Jersey and the Standard Oil Co. of California, and the remainder mainly by the larger shipping and industrial concerns. This shows how quickly the monopolistic interests take advantage of all special privileges offered from the United States Treasury. The result seems always to enhance their power and tighten their control of the situation.

Section 28 of the merchant marine act of 1920 was suspended throughout the year ending June 30, 1921, because adequate shipping facilities under the American flag did not exist for the transportation of the commerce of the United States to and from foreign ports and ports in the possessions or dependencies of the United States. It will be recalled that this section forbade lower rail rates to a port in conjunction with continued shipment on an ocean route than rates on rail ship-

ments ending at the port, unless the vessel on which the shipment continued was documented under the American flag, and unless there were sufficient vessels under such documentation serving that port to handle its commerce with foreign ports. The complications engendered by this section may be easily seen when it is remembered that even the advocates of the subsidy do not hope to carry all our commerce or much more than half our commerce in American bottoms. Necessarily it will always be difficult for particular ports to secure complete service by American ships, and those having it at any particular time would have a vast advantage in the matter of joint rail rates over others.

The President not having terminated the emergency by proclamation when the fiscal year ended, American-owned documented vessels could not yet be transferred to foreign registry without the board's permission, section 37 of the act of 1916 being in operation until the issuance of the proclamation. After its issuance the board would have had jurisdiction only over transfer to foreign registry of vessels documented under our laws. During the year ended June 30, 1921, the board authorized the transfer of 401 vessels, of 202,283 gross tons, to foreign registry, but according to its practice it permitted the transfer of no vessel if such transfer would be detrimental to the interests of our merchant marine.

Seven companies to whom the board had sold vessels encountered receivership proceedings during the year under survey. A world-wide commercial depression had developed during the second half of the calendar year 1920. In fact, symptoms of its approach had been sensed in declining ocean freight rates during the first half of that year. These companies were unable to pay creditors, to make deferred purchase payments on ships. The board tried to help them by asking the courts to appoint receivers in equity instead of receivers in bankruptcy, by furnishing its own officials as such receivers, hoping to tide the companies over the period of general trade recession. The looked-for recovery did not materialize, the board's efforts were not successful, and the courts were requested to discharge the receivers.

The board did everything within its power during the commercially disastrous period that had set in to help all American shipping. Through the rate conferences in every trade in which its vessels plied it aided to prevent a decline of freight rates below cost of operation. In aligning and realigning cargo services and in restraining competition among the managing agents of its vessels it helped to sustain and stabilize rates for all shipping. It urged American companies, as a condition precedent of success, to establish American concerns in foreign countries to handle American vessels and solicit return cargoes.

A Shipping Board office was located in St. Louis to acquaint shippers with facilities offered by American vessels, whether board owned or privately owned, and to induce them to employ such facilities. The trade with Latin America declined in the general slump, but the board, with a view to preparation for the return of better times, made a careful study of services to Latin America so as to be able to persuade shippers to use all vessels flying our flag. A coastwise service was established between Paranagua, Brazil, and points on the River Plate, not only to meet the needs of local shippers but to serve as feeders for our ocean lines. On account of the business crisis, the board averaged but one sailing a month to the west coast of Africa during the year and but once every seven weeks to the south and east coasts.

During the year the board, seeing the need of more passenger services, established several additional ones. The ships placed in these lines were freshly constructed and splendidly equipped, were of two types, known, respectively, as the "502" type and the "535" type, the figures referring to the lengths of the vessels. Six vessels of the 502 type, each carrying 84 first-class passengers and having 465,940 cubic feet cargo space, with speed of 14 knots, were placed in the trade between New York and Queenstown, Boulogne, and London, and between San Francisco and Honolulu, Manila, Saigon, Singapore, Colombo, and Calcutta. Six vessels of the 535 type, each carrying 260 first-class passengers, 300 steerage passengers, and having 466,133 cubic feet cargo space, with a speed of 17½ knots, were placed in trade between Baltimore, San Francisco, and Honolulu; between San Francisco, Honolulu, Yokohama, Kobe, Shanghai, Manila, and Hongkong; and between Seattle, Kobe, Yokohama, Shanghai, and Manila.

The board established services, through the charter of ex-German passenger liners, between New York, Genoa, and Naples; New York, Bremen, and Danzig; between New York, Plymouth, Cherbourg, and Bremen; between New York, Cuba, and Spain.

Besides, the board itself operated three ex-German passenger vessels in the trade between New York and the east coast of South America.

These passenger services enabled the board to carry a substantial portion of the United States mails, as contemplated by section 24 of the act of 1920, and to secure considerable revenue from that source.

During the year the board continued to create new trade routes, so that by June 30, 1921, it had established 410 general cargo berths—393 between the United States and foreign ports and 17 between foreign ports to serve as feeders.

During the year the board, through its port facilities commission, and the War Department, through the Board of Engineers for Rivers and Harbors, continued to cooperate under section 8 of the act of 1920 in making studies for the promotion, encouragement, and development of ports and transportation facilities in connection with water commerce.

During the year the board continued its policy of securing fuel-oil bunker stations at strategic locations on all trade routes, as a vital element in a successful merchant marine policy. Some of these it had to establish and operate through its own agencies, not being able to secure them through private companies. The tank steamers of the Shipping Board supplied these stations, otherwise the oil-burning fleet would have been at the mercy of foreign companies. This system resulted in oil at a lower cost than was possible in the open market. The object of the board was ultimately to supply all American vessels with fuel oil at the lowest possible price.

Inasmuch as only a small portion of the Shipping Board fleet was coal burning, the coal bunkering question was not so serious as that of oil. It was found advisable during the year, however, to establish bunker coal stations at certain ports.

Throughout the year the foreign organization of the board continued to function most effectively, facilitating the dispatch of vessels; securing modification or cancellation of irksome port regulations and restrictions; cooperating with operators' agents in handling marine disasters, surveys, and legal difficulties; determining the necessity for and supervising repairs; supervising purchase of supplies; supervising stevedoring; reporting on efficiency, attitude, and business affiliations of ship agents representing board operators; checking up vessel personnel; assisting representatives of operating companies in securing homeward and way cargoes; controlling homeward and way cargoes to prevent destructive competition between board operators; and reporting on all matters affecting the American merchant marine.

The marine-insurance arrangements resulting from the board's investigations were in effect throughout the year. Inasmuch as the subject of insurance was under State control, a model marine-insurance bill for the District of Columbia, developed by the joint action of the Shipping Board and the House Committee on the Merchant Marine and Fisheries, intended to serve as a suggestion to the States, was pending in Congress when the fiscal year closed.

In making sales of vessels under the act of 1920 the board, during the year ending June 30, 1921, placed a price on steel vessels ranging from \$160 to \$185 per dead-weight ton, less depreciation—10 per cent to be paid in cash, 5 per cent every six months thereafter for two years, balance to be paid in installments of $3\frac{1}{2}$ per cent every six months for 10 years. On account of disastrous business conditions the demand for steel cargo vessels declined precipitately during the year. Thirty-seven tugs were sold for \$2,170,500; 41 uncompleted wooden hulls for \$2,063,542.67, an average price of \$50,330.30. During the year ending June 30, 1921, purchasers of 121 steel vessels became unable, on account of critical business conditions, to make deferred payments, returned them to the board and the sales were canceled. These ships had a total dead-weight tonnage of 686,619 and a total net selling price of \$87,885,273.25. There had been paid in cash on them \$7,469,412.15, which was returned. Vessels still in the hands of purchasers on June 30, 1921, numbered 390, with a total dead-weight tonnage of 1,851,902, the net selling price being \$293,907,429.54, cash payments, \$159,482,747.08, balance represented by notes and accounts receivable, less certain allowances amounting to \$13,116,555.28. It was due to no fault of the board or of the vessels that so many were being laid up and so many were being returned in a period of exceptional business depression.

The navigation and engineering schools of the board's recruiting service graduated 7,300 men during the fiscal year, and of these 1,190, or 91 per cent, got licenses, making the total number of graduates from the beginning 14,712, of whom 10,832 got licenses—about 74 per cent. The sea training bureau was discontinued on December 31, 1920, the supply of men beginning to equal demands as the slump in business conditions began to put ships out of commission. Schools training engineers on turbines furnished 289 students during the year, bringing the total since they began to 661. Twenty-six engineers of unusual ability and experience were trained

on electric drive, and a few on internal combustion engines, Diesel type, but these specialized classes were stopped during the year on account of limited demand.

The sea-service bureau of the recruiting service placed on United States ships, public and private, during the year, 110,538 officers and men, of whom 68.8 per cent were Americans.

The division of regulations found the volume of its duties increasing during the year, the number of carriers' contracts examined and filed being about 300—the minutes of 2,230 steamship conference meetings and 2,637 conference tariffs being received, 7 formal docket hearings being held, 65 informal docket complaints being settled, 1,635 tariffs being filed, a number of special investigations and reports being made.

The board continued during the year the practice it had adopted from the beginning of circularizing all steamship and terminal companies in the United States to ascertain how many were subject to its jurisdiction in the matter of regulation. It developed that on June 30, 1921, the number of water carriers whose services had been discontinued was 200; of intrastate water carriers operating on rivers, lakes, and oceans, 138; of water carriers operating in interstate commerce on inland waters of the United States—river, lake, or canal (excluding the Great Lakes), 83; of operators of towage, lighterage, or ferriage service, 107; of water carriers engaged in interstate tramp service, 196; of water carriers engaged in foreign tramp service, 182; of water carriers subject to Interstate Commerce Commission, 28; of water carriers operating on regular routes in interstate commerce on the high seas or Great Lakes subject to the board's jurisdiction, 119; of water carriers operating on regular routes in foreign commerce of the United States subject to the board's jurisdiction, 241; of water carriers in exclusively proprietary service, 106; of forwarders and other persons subject to the board's jurisdiction, 32. Out of 1,200 steamship companies in business of their own ownership and management, 370 were subject to the board's regulatory jurisdiction, a gain of 76 during the year, not counting the forwarders and other persons subject to the board.

During the year the board's industrial relations division continued to supervise labor questions arising from operation of vessels and marine equipment, including work of loading and unloading, and endeavored to secure peaceable settlement of disputes, negotiation of working agreements, and promotion of harmony between employer and employee in marine industry. Things went generally well until late in the spring of 1921, the grievance committees doing as a rule effective work. At a general marine conference on April 27, 1921, the unions declined, so the board reports, to accept a wage reduction of 15 per cent, and a general marine strike was called on American ships, which lasted until June 14. At that time wage scales involving a 15 per cent reduction and certain changes in working conditions were promulgated by the board and accepted by the unions until January 1, 1922. In the case of longshore labor, old wages and working conditions were maintained in general throughout the year. A 10 per cent reduction on the average was made in shipyards and ship-repair yards, followed by a number of strikes, the most serious of which were in New Orleans and Philadelphia. Gradually the new conditions were accepted by the workers.

The board, being the largest owner and operator, realized that its labor policies affected and in a measure set the standard for all marine workers. It tried to deal with longshore and aboard-ship labor as a national whole, changes in one locality always reacting to a certain extent on others.

During the year the board appropriated \$50,000 for advertising its shipping services, utilizing a group of advertising agencies, the actual cost, however, being \$8,000, and being confined largely to a survey. Then followed a campaign through the advertising agencies in daily newspapers, costing \$75,000, setting forth the board's freight and passenger services. A like effort in national magazines cost \$20,000. The board through its own advertising department placed advertisements in newspapers, trade papers, and marine publications costing \$66,000. Through its own advertising department it used the press in giving notice of disposal of surplus ships, shipyards, material, housing projects, of proposed purchases of bunker coal, fuel, lubricating oils, supplies, and so forth, at a total cost of \$100,000. Through its advertising department the board supervised freight and passenger advertising of individual operators of board vessels, costing about \$630,000, the cost being borne by them. Through this department the board devised motion-picture advertisements costing about \$31,000.

On June 30, 1921, vessels owned by the Shipping Board numbered 1,792, of 11,323,668 dead-weight tons, an increase over June 30, 1920, of 218 vessels of nearly 2,000,000 tons. It will be remembered that the board was authorized by the act of

1920 to carry out all existing construction contracts and such construction plans already adopted as seemed advisable to the board to complete.

Of these 1,792 vessels owned by the board, 1,293 were steel cargo vessels, with a total tonnage of 8,800,000. Only 288 were wood and composite, with a total tonnage of 1,068,649.

Of these 1,293 steel cargo vessels, 60 were of 10,000 dead-weight tons each or over, 1 of these having a speed of 13.5 knots, 1 of 12.5, 2 of 12, 2 of 11.5, 15 of 11, 25 of 10.5, 6 of 10, 3 of 9.5, 3 of 9, 1 of 8, 1 of 7. Two hundred and seventy-seven were of 9,000 to 9,999 dead-weight tons each, 120 of these having a speed of 11.5 knots, 119 of 11, 21 of 10.5, 8 of 10, 3 of 9.5, 1 of 9, 4 of 8.5, 1 of 8. Three hundred and nine were of 8,000 to 8,999 dead-weight tons each, 3 of these having a speed of 12 knots, 20 of 11.5, 58 of 11, 150 of 10.5, 31 of 10, 9 of 9.5, 15 of 9, 8 of 8.5, 9 of 8, 4 of 7.5, 1 of 6.5, 1 of 6. One hundred and sixty-four were of 7,000 to 7,999 dead-weight tons each, 1 of these having a speed of 12 knots, 94 a speed of 11.5, 6 of 11, 43 of 10.5, 11 of 10, 1 of 9.5, 5 of 9, 2 of 8.5, 1 of 7. Twenty-four were of 6,000 to 6,999 dead-weight tons each, 1 of these having a speed of 12 knots, 8 of 10.5, 6 of 10, 4 of 9.5, 2 of 9, 1 of 8.5, 1 of 8, 1 of 6.5. One hundred and fifty were of 5,000 to 5,999 dead-weight tons each, 15 of these having a speed of 11 knots, 124 of 10.5, 5 of 10, 1 of 9.5, 2 of 9, 2 of 8.5, 1 of 7.5. Two hundred and twenty-seven were of 4,000 to 4,999 dead-weight tons each, 2 of these having a speed of 11.5 knots, 3 of 11, 2 of 10.5, 3 of 10, 173 of 9.5, 9 of 9, 11 of 8.5, 10 of 8, 8 of 7.5, 2 of 7, 2 of 6.5, 2 of 6. One hundred and fifty-five were of 3,000 to 3,999 dead-weight tons each, 3 of these having a speed of 12 knots, 3 of 10.5, 25 of 10, 70 of 9.5, 6 of 9, 17 of 8.5, 16 of 8, 10 of 7.5, 2 of 7, 2 of 6.5, 1 of 6. Twenty-seven were of 2,000 to 2,999 dead-weight tons each, 8 of these having a speed of 10 knots, 13 of 9.5, 2 of 9, 1 of 8.5, 2 of 8, 1 of 7.5.

To these steel cargo vessels add 16 steel refrigerator steamers of 118,106 dead-weight tons, 89 steel tank steamers of 828,881 dead-weight tons, 39 steel passenger steamers of 417,921 dead-weight tons, 3 steel colliers of 14,832 dead-weight tons, 2 steel cargo sailing vessels of 5,847 dead-weight tons—that is, 149 additional steel vessels with a dead-weight tonnage of 1,385,687—and we have 1,442 steel vessels owned by the Shipping Board on June 30, 1921, out of a total of 1,740, not counting 52 tugs, with a dead-weight tonnage of 10,185,687 out of a total of 11,323,668, excluding the tugs. (See fifth annual report Shipping Board.) We may accurately say, therefore, that on June 30, 1921, we had what was essentially and almost wholly a magnificent, modern, steel merchant fleet. Now, keep in mind the fact that only 12 of the 1,293 steel cargo vessels of this fleet had more than the speed required to secure the lowest subsidy in the pending bill, to wit, one-half of 1 cent per gross ton for each 100 nautical miles traveled, 11 of these 12 having speed enough to reach the second lowest subsidy rate, to wit, one-tenth of 1 cent in addition to the lowest, one having speed enough to reach third from lowest place; that is, two-tenths of 1 cent. There are 10 higher subsidy rates, growing toward the top, and to none of these would this stupendous steel fleet be eligible. Evidently the plot thickens.

During the fiscal year the board's vessels made a total of 5,130 sailings from European ports alone, the number beginning to shorten toward the close of the year.

Our total merchant marine on June 30, 1921, including Shipping Board boats and all others, numbered 3,723 seagoing vessels, with a gross tonnage of 13,234,401, an increase of 319 vessels of 1,955,660 gross tonnage.

The decline of freight rates continued on such a scale during the year that business became very difficult to secure all over the world, and many ships had to be laid up by other countries as well as ours.

The board announced in its fifth annual report, the report covering the year ending June 30, 1921, that the wood-ship construction program was completed on January 18, 1921, with the delivery of the harbor tug *Rochelle* to the Fleet Corporation. In that report the board explained why the wood ships were originally planned, stating that at the outset existing steel yards were all occupied with foreign contracts and that the construction of wood ships offered the next best way to meet the emergency demand for ships; that for this reason most of the corporation's earlier activities had been devoted to this class of construction; that the wood ships took a longer time to build than had been expected because of the scarcity of workmen skilled in and material adapted to the building of wood hulls; that at the armistice a large number of wood ships were in various degrees of completion, with many contracts not yet begun; that in every case all possible effort was made either to suspend construction or to finish the vessels as hulls or barges only, with the idea of disposing of them

to as good advantage as practicable; that the original plan called for 1,017 wood vessels of different types; that 428 were finally canceled, leaving 589 to be wholly or partially completed as seemed best from the standpoint of successful disposition. As we have seen, the wood ships completed did good war emergency work and good service in certain types of ocean trade.

The program for the construction of concrete ships was ended on April 12, 1921, with the delivery of the steamship *Moffitt*. As concrete ships were still in the experimental stage, the decision to construct them was due solely to pressure of the war emergency. Originally they were to be cargo ships only, but later most of them were changed to tank steamers and the size increased from 3,500 to 7,500 tons. This program first called for 43 vessels of 302,000 dead-weight tons, but 31 of 228,500 tons were canceled, leaving on the active program 12 of 73,500 dead-weight tons.

The original program for composite ships—that is, ships whose wood hulls were strengthened with a certain amount of structural steel—called for 50, but, on account of high costs and long period required in building, 32 of 112,000 dead-weight tons were canceled, leaving on the active program 18 of 63,000 dead-weight tons, all of which were completed.

Construction of shipyard plants having ceased, the efforts of the yards and docks section of the board's construction department were devoted mainly during the year to construction of dry docks, marine railways, and repair plants, inspection of others in which the board was financially interested, and so forth. Nine of the seventeen dry docks contracted for were in operation during the year, seven were in process of construction, while one had been suspended. Six were under direct construction by the board. Of the 13 marine railways contracted for, 11 had been completed, while 2 had been suspended.

During the year a 15 per cent reduction in rates charged the board for ship repairs was secured, and on June 1, 1921, dry-docking charges in New York Harbor were reduced 66 per cent.

By November, 1920, the slump in shipping business became so serious that large numbers of vessels had to be laid up, a condition not peculiar to the United States. At the lowest ebb in the shipping situation during the fiscal year about 750 steel vessels were laid up of about 5,000,000 dead-weight tons. They were gathered in several lay-up areas, where the chief problem was that of care at the least expense to prevent deterioration. To this end the vessels were divided into three distinct groups, depending on condition at time of lay up and time required to put vessels in seaworthy condition, as follows: Class A including those requiring only minor voyage repairs sufficient to fit the vessel for service in three days or less, such ships being commonly called "spot ships"; class B including those requiring medium voyage repairs, such as would fit the vessel for service in 10 days or less; class C including those requiring a general or thorough overhauling, extensive repairs, reconditioning, new machinery installation, replacements, and so forth, covering 30 days or more.

When the vessels were turned back by managing agents general-condition surveys were made to determine in what repair class a vessel belonged, these surveys being known as "turn-back" and "lay-up" surveys.

The repair department of the board kept records of performance and condition data as to each vessel, both in service and lay up. Thus when a vessel was to be recalled to service the most efficient and suitable could be readily secured.

The repair department had a turbine section supervising repairs to turbines and improving this type of motive power. About 600 turbine vessels were in service on June 30, 1921. With turbine installations it was planned to secure for certain vessels which had been retired for lack of good equipment a first-class state of efficiency.

Two vessels equipped with the electric drive made successful maiden voyages during the year, and four others were being similarly equipped. The advantage of this type of motive power lay in maneuvering capacity, the saving in fuel, however, not proving as great as had been hoped for on one of these maiden trips.

The Diesel engine was being tried out in the ship *William Penn* as the year closed.

During the year more of the ex-German ships were placed in the passenger trade.

The *Leviathan*, the largest vessel afloat at that time except the *Majestic*, which was owned by the British White Star Line and was nearing completion in Germany, was out of action during the entire year ending June 30, 1921. Arrangement was made with the International Mercantile Marine Co. to care for the *Leviathan* while inactive and to act as the board's repre-

sentative in reconditioning her, if that should be determined upon. When this ship was seized from Germany her plans were unavailable and the builders, Blohm & Voss, on being requested to name terms for them asked \$1,000,000, a price considered prohibitive. The board then authorized the International Mercantile Marine Co. to prepare the plans. With nothing but the vessel itself to work from a set was prepared at much less cost than the price asked for the original papers. During her inactive status the vessel was kept in first-class condition, was painted and kept clean through and through. The machinery was also kept in first-class shape and the vessel was always ready to take the sea on short notice.

And so it was, as we have seen, with the other ships temporarily laid up on account of adverse commercial conditions. They were mainly first-class ocean carriers which had been laid up as a result of one of the severest, most prolonged, and most universal business depressions ever known, a depression reaching around the globe and holding all countries in its sinister grasp—carriers kept in excellent condition and ready to return to active sea work with the revival of commerce, a revival that has not yet developed.

Notwithstanding the number of vessels laid up the Shipping Board had 611 ships in our foreign trade on June 30, 1921, and during the year ending on that date American vessels carried nearly 40 per cent of our foreign trade tonnage in value and 52 per cent of its tonnage in quantity. In relative efficiency our ships exceeded their foreign competitors, the American percentage of load to dead-weight tonnage being 40.7 per cent, foreign 39. That is to say, American vessels carried each ton of cargo with 2.45 dead-weight tons, foreign with 2.57 dead-weight tons.

On June 30, 1921, the board's consolidated balance sheet showed assets of \$3,070,599,518.40, the decrease since the preceding fiscal year being due mainly to shrinkage of values incident to the world-wide business decline, gratuities to other Government departments ordered by act of Congress, losses on uncompleted ships, cost of releases and reconveyances, and so forth—a remarkable showing in the face of a general economic collapse.

The Fleet Corporation's board of trustees consisted on June 30, 1921, of the recently appointed members of the Shipping Board. Mr. R. L. Hague resigned as director of construction and repairs on July 1, 1920, and was succeeded by Commander R. D. Gatewood, United States Navy.

We will now consider the history of the board during the fiscal year ending June 30, 1922. Early in that year the board reorganized its methods of handling its regulatory duties, establishing five bureaus, to wit, traffic, operations, construction, law, and research. Each bureau was headed by a commissioner, except the traffic bureau, which on account of its importance was assigned to two commissioners, all bureaus being under the general supervision of the chairman.

The traffic bureau, headed by Commissioners Thompson and Plummer, had two lines of work, one relating to the growth and development of the privately owned and privately operated merchant marine, the other to regulation of shipping under the various acts conferring such authority. The first line of work had in view the assurance of cargo for water carriers and facilities for their proper operation. Carrying out this purpose the traffic bureau, under direction of section 7, merchant marine act of 1920, made a study of foreign and domestic markets in order to ascertain what steamship lines were needed in establishing and maintaining our foreign and coastwise trade, the best type and size of vessel required, and schedules essential to adequate, regular, and permanent service. It cooperated with the Postmaster General under sections 7 and 24 of the act of 1920 in arranging terms for carrying the mails on American vessels. Under section 8 of that act it made a study of plans for improvement and development of ports and transportation facilities in connection with water commerce, cooperated with the Secretary of War in investigating regions tributary to ports with reference to interior transportation facilities and the natural flow of commerce from interior points, investigated congestion at ports and remedies therefor, methods of securing for ports tonnage logically theirs and adequate shipping therefor, advised the board as to railroad rates and regulations detrimental to any port or to the merchant marine so that the board might take up the matter with the Interstate Commerce Commission. Under section 19 of the act of 1920 the traffic bureau investigated during the fiscal year now under contemplation traffic conditions in foreign trade and recommended to the board steps necessary to meet any conditions unfavorable to American shipping. Under section 21 of the act of 1920 the bureau took up the matter of securing adequate steamship service

between the United States and our island possessions so that they might be brought within our coastwise laws.

The bureau held hearings during the fiscal year to determine if service by American vessels at any American port was sufficiently adequate to justify application of section 28, heretofore described, but no final conclusion was reached. It also held hearings as to status and validity of contracts between railroad companies and foreign steamship lines giving preferential treatment to the prejudice of competing American lines, and many such contracts were voluntarily canceled by the roads. The Chicago, Milwaukee & St. Paul, in the case of its contract with the Osaka Steamship Co., a Japanese line, however, and the Great Northern Railroad, in the case of its contract with the Nippon Yusen Kaisha, another Japanese line, did not agree to such remission, and the board entered an order requiring cancellation of these contracts by July 1, 1923. This bureau also made a study of the hearings held by the Interstate Commerce Commission, at the request of the Secretary of War and the Shipping Board, at various South Atlantic ports as to terminal charges on freight delivered by railroads to steamship companies, so as to bring about proper competition with privately owned and publicly owned terminals. The bureau also made a study of steps needed to protect United States ports and transcontinental railroads against competition of Canadian ports and railroads.

The second branch of this bureau's work comprised the regulatory duties imposed on the board by the acts of 1916 and 1920, having in view the protection of shipping companies in their competition with each other and the protection of shippers against unfair treatment by the companies. Conference agreements and contracts continued to be filed with the bureau throughout the fiscal year. Eleven formal docket complaints relating to rates, regulations, and practices of carriers were heard, as well as 74 informal complaints. Over 4,000 conference minutes and tariffs were filed, the latter showing a constant reduction in rates, fares, and charges, due to the general business disturbances and readjustments.

The bureau continued during the fiscal year now before us to ascertain for the board what carriers were subject to the board's jurisdiction. Reports received to June 30, 1922, showed the number of water carriers whose services had been discontinued to be 324; the number of intrastate water carriers on rivers, lakes, and oceans to be 156; of water carriers operating in interstate commerce on the inland waters of the United States, river, lake, or canal—excluding the Great Lakes—to be 87; operators of towage, lighterage, and ferriage service, 170; water carriers in interstate tramp service, 256; water carriers in foreign tramp service, 249; water carriers subject to jurisdiction of Interstate Commerce Commission, 29; water carriers operating on regular routes in interstate commerce on high seas or Great Lakes subject to the jurisdiction of the Shipping Board, 133; water carriers operating on regular routes in foreign commerce of the United States subject to the board, 278; water carriers engaged exclusively in proprietary service, 166; forwarders and other persons subject to board's jurisdiction, 116. The classes subject to the board's jurisdiction number 527 carriers, forwarders, and so forth, an increase over the preceding fiscal year of 135. This is an excellent tribute to the effectiveness of the acts of 1916 and 1920 in building up a permanent and growing merchant marine without a subsidy.

The bureau of operation, headed by Commissioner T. V. O'Connor, comprised the following divisions: Industrial relations, sea-service bureau, stevedoring committee, docks and wharves.

The industrial relations division gave special attention throughout the year to questions involved in labor administration, realizing the fact that labor was the most important factor in successful ship operation. At the close of the year—that is, on June 30, 1922—about 50,000 men were working on the vessels of the American merchant marine, and more than 50,000 were working on land as longshoremen in loading and unloading vessels. This division in the effort to promote better relations between employer and employee made a study of questions involving wages, hours of labor, employment conditions, privileges, rights, and duties of employer and employee; collected and compiled data on labor rates and conditions, and investigated grievances. The board stated in its sixth annual report that its policy in dealing with employees had been to recognize the principle of collective bargaining wherever possible. On August 1, 1921, the wage agreement with deck officers ended and a new arrangement was made, carrying a 15 per cent wage reduction, a similar reduction having been made for the engineers. The wage agreement with the seamen and other vessel workers having expired on January 1, 1922, a new arrangement was made for a reduction of 15 to 25 per cent

in wages to July 1, 1922, a reduction which on that date was continued another six months. As to wages of longshoremen, the custom had been for many years to fix them through collective bargaining for stated periods. Negotiations in the fall of 1921 resulted in reductions of 18 to 25 per cent, a number of strikes following at various points. The board claimed in its sixth annual report, covering the fiscal year now being considered, that these wage reductions had netted a saving in connection with Shipping Board vessels of over \$10,000,000. I am not expressing any opinion as to the merit of these reductions; I am merely giving the facts as they appear in the board's official report.

Although the navigation and engineering schools continued to do fine work, increasing efficiency of officers and causing more economical operation of vessels, they were terminated in September and December, 1921, respectively, on account of the urgent demand for reduction of all Government expenditures. The navigation school graduated 196 men during the part of the fiscal year it was in operation, the engineering school 296. On August 5, 1921, the turbine training courses were closed, 67 graduates having been turned out between the end of the previous fiscal year and that date.

The sea-service bureau was retained, and during the year ending June 30, 1922, placed 84,782 officers and men on United States ships, 92 per cent of these officers and men being Americans, being an increase of 23 per cent in this respect over the preceding fiscal year.

The bureau of operation worked out during the year a revision of stevedoring rates and methods and a checking system to secure compliance with established rate schedules. This was done through the bureau's stevedoring committee. Through its division of docks and wharves several units were added to the terminal facilities controlled by the board during the year.

The bureau of construction under the new board, headed by Admiral Benson, was created in November, 1921, and during the remainder of the fiscal year ending June 30, 1922, investigated under direction of section 12, shipping act of 1916, relative cost of building merchant vessels in the United States and foreign maritime countries, rules of construction at home and abroad, and methods of classification and rating. This bureau also had jurisdiction over transfer of American vessels to foreign registry, and during the fiscal year we are now studying permitted such transfer for 158 vessels of 121,931.55 gross tons. Seven undocumented barges, one undocumented towboat, and one undocumented dredge were transferred, permission for undocumented vessels no longer being necessary since presidential proclamation ending emergency had issued. As stated before, the board would not permit transfer of any vessel over which it had jurisdiction if transfer in any way militated against the welfare of the American merchant marine.

This bureau also administered the construction loan fund authorized by section 11 of the merchant marine act of 1920.

This bureau also passed on applications for approval of type and kind of vessel permitted to be built with funds accruing under section 23, act of 1920, through remission of certain taxes in favor of new vessel construction, inspected such vessels on completion, and checked their compliance with the requirements. A list of vessels proposed to be constructed under this section was given in the review of the preceding fiscal year.

This bureau also supervised the classification of vessels and did what it could to advance the standing of the American bureau of shipping, which had been recognized by section 25, act of 1920, as the official classification agency. The purpose was to secure classification for American vessels independently of all foreign institutions, such as Lloyds.

This bureau was charged with the study of new designs of hull and machinery in order to determine the best modes of propulsive power, especially those based on internal-combustion engines.

This bureau was given the supervision of the reconditioning of the *Leviathan*, and had the reconditioning in progress when the fiscal year ended, the estimated cost being \$7,000,000. It was expected that this ship would be ready for European tourist traffic in 1923.

The bureau of law, headed by the distinguished and able former Senator George E. Chamberlain, was instituted in November, 1921, and immediately began a thorough investigation of discrimination by foreign governments, officials, merchants, or companies against American vessels in foreign trade, the investigation having been directed by section 26, shipping act of 1916, and other legislation, the investigation covering statutes of foreign countries, rules and regulations of ports and customs districts of other nations, treaties and reciprocity acts, inquiry into actual cases of unfair competition with and dis-

crimination against American vessels by foreign merchants or steamship companies in the matter of terminal facilities, traffic privileges, interpretation of local rules and regulations, and commercial and shipping activities in which our vessels were legitimately involved.

This bureau also supervised the continuance of the work of examining and codifying the navigation laws throughout the fiscal year. It also had the duty of devising regulations for the administration of section 23, act of 1920, which waived certain taxes in the event of certain earnings being devoted to new ships. This it performed in cooperation with the Treasury Department, the rules being promulgated on June 13, 1922.

This bureau also held hearings for the board on the subject of unfair trade practices prohibited by section 19, act of 1916. It also performed certain functions vested in the board in connection with the ship-mortgage sections of the act of 1920. It also had charge of the study and application of certain laws regulating the relations of the board with private vessels.

The bureau of research, headed by Commissioner Meyer Lissner, had already been in existence and was continued and enlarged by the new board. It made during the fiscal year special studies on which proposed shipping legislation was based, collected statistics as to cargo movements in American and foreign vessels, analyzing them by trade divisions, by American ports, and by classes of commodities. It conducted extensive investigations of the general subject of marine insurance. It cooperated with the War Department in making a study of ports, port facilities, and transportation in the regions tributary to the various ports for the purpose of devising and suggesting methods for relief of congestion and improvement in flow of commerce. It kept in touch with marine happenings throughout the world in order to have information available as to commerce and shipping in the United States or in foreign nations.

On July 11, 1921, the board of trustees of the Emergency Fleet Corporation, who were also members of the Shipping Board, in order to relieve themselves from the numerous duties connected with the affairs of the Emergency Fleet Corporation, elected J. B. Small vice president in charge of chartering and allocation of vessels, A. J. Frey vice president in charge of physical operation of vessels, W. J. Love vice president in charge of traffic matters, Elmer Schlesinger vice president in charge of legal matters, and on September 23, 1921, elected H. S. Kimball vice president in charge of finance, and on September 30, 1921, elected E. P. Farley vice president in charge of sales.

On September 30, 1921, the Shipping Board passed a resolution to the effect that whereas the merchant marine act of 1920 had provided that the power and authority thereby vested in the board might be exercised directly or indirectly by the board, or by it through the Emergency Fleet Corporation, except as therein otherwise specifically provided; and that whereas in the board's opinion the executive and personnel organization of the Fleet Corporation had reached such a standard of efficiency as to make it desirable that the board should exercise through the corporation various administrative powers and functions, thereby making it possible for the board to devote its attention to the study and determination of the broad and constructive questions of policy relating to the maintenance, development, and encouragement of the American merchant marine under powers and duties imposed on it by law, it was resolved that it was the sense of the board that its chairman should retire as president, its members as trustees of the corporation, and that there should be elected a separate president and separate board of trustees for said corporation, and that the power and authority vested in the board by the act of 1920 should until otherwise ordered by the board be exercised by it through the Fleet Corporation in the following matters:

1. Operation, maintenance, repair, and reconditioning of vessels, provided that no established line should be discontinued or new line established or allocation of passenger vessels made without the board's approval.
2. Completion of construction work on vessels heretofore begun or authorized by board.
3. Sale of vessels (except to aliens) at such prices and on such terms and conditions as board might prescribe.
4. Operation and sale of housing projects, real estate, railroad, and other similar property subject to board's confirmation before any final contract of sale is made.
5. Operation and sale of dry docks, all sales being subject to board's terms and prices.
6. Custody and sale of all other property and materials.
7. All accounting for corporation.
8. Insurance and matters pertaining thereto.

9. Operation of piers and pier facilities, no pier to be leased without prior authority from board.

10. Leasing and rental of offices, warehouses, docks, and storage facilities.

11. All matters incidental to foregoing, such as execution of contracts, charters, bills of sale, leases, deeds, and so forth.

The resolution further provided that an accurate record should be kept of the meetings of the corporation, a summary transmitted to the chairman and each commissioner of the board, and notices of the meetings of trustees of the corporation sent to each member of the board; that the control of the corporation should remain with the board; and that the president and each member of the board of trustees of the corporation should deposit with the secretary of the board their resignations for acceptance at the board's pleasure, and to deliver to the secretary of the board their qualifying shares of stock in the corporation indorsed in blank for transfer.

In accordance with this resolution, the chairman of the board retired as president of the corporation, the other members of the board retired as trustees of the corporation, and the following trustees of the corporation were elected: J. W. Powell, J. B. Smull, W. J. Love, A. J. Frey, Elmer Schlesinger, H. S. Kimball, and E. P. Farley. J. W. Powell was made president of the corporation and the following assignment of duties made to the other trustees: J. B. Smull, vice president, in charge of allocation department, contract department, and chartering department; W. J. Love, vice president, in charge of traffic department, advertising department, and marine insurance department; A. J. Frey, vice president, in charge of operating department, department of maintenance and repair, fuel department, department of purchases and supplies, statistical department, and field office, American and foreign; H. S. Kimball, vice president, in charge of general comptroller's department, treasurer's and disbursing department, insurance department (other than marine), and collection department; Elmer Schlesinger, vice president, in charge of legal department, claims department, and department of investigation; E. P. Farley, vice president, in charge of surplus property department and department of ship sales.

President J. W. Powell resigned on March 4, 1922, and Vice President A. J. Frey died on June 13, 1922. These vacancies had not been filled when the fiscal year closed, and in the interim Mr. Smull, senior vice president, became acting president.

During the fiscal year ended June 30, 1922, the world-wide business depression grew more acute, export and import business and ocean freight rates continued to decline, great losses were incurred, and it became necessary to make still further reductions in the board's vessels on the seas. The number of these vessels was reduced from 744 on June 30, 1921, to 394 on June 30, 1922. Of the vessels in ocean trade at the beginning of the fiscal year, about 300 were in the so-called tramp service and the remainder in the regular line service. The tramp steamers became so unprofitable that they were all withdrawn and laid up. It will be seen, therefore, that of the vessels in regular line service on June 30, 1921, only a few were taken out and laid up during the succeeding fiscal year.

Mr. JONES of Washington. Mr. President, I understand the Senator from Texas would be glad to stop now, and that will be entirely satisfactory to me.

Mr. SHEPPARD. I am sure that I can conclude in a reasonable brief time to-morrow.

Mr. JONES of Washington. Very well.

[At this point Mr. SHEPPARD yielded the floor for the day.]

ORDER FOR RECESS.

Mr. JONES of Washington. I ask unanimous consent that when the Senate closes its proceedings to-day it recess until 12 o'clock to-morrow.

Mr. FLETCHER. Does the Senator think we will gain anything by that? I rather think that we ought to adjourn.

Mr. JONES of Washington. I believe it would be better to take a recess. We had an opportunity for morning business this morning and also considered bills on the calendar, and I should like to recess until to-morrow.

Mr. FLETCHER. Very well; I shall not object.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION.

Mr. JONES of Washington. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and (at 5 o'clock and 23 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Thursday, January 4, 1923, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 3, 1923.

UNITED STATES DISTRICT JUDGE.

Marcus B. Campbell to be United States district judge, eastern district of New York.

UNITED STATES ATTORNEY.

John S. Coke to be United States attorney, district of Oregon.

POSTMASTERS.

ARIZONA.

Carrie B. Yett, Safford.
John W. Brown, St. Johns.

CALIFORNIA.

George B. Tantau, Exeter.
Frank L. Powell, Lemoore.

ILLINOIS.

Jesse E. Miller, Cairo.
Walter H. Sass, Monee.
William W. Renton, Wheaton.

LOUISIANA.

Howard S. Allen, Dubach.

OREGON.

Adam H. Knight, Canby.

WASHINGTON.

William R. Cox, Pasco.
John T. Johnston, Wapato.

WISCONSIN.

Blanch Lyon, East Ellsworth.
John S. Farrell, Green Bay.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 3, 1923.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord and Master, come as Thou wilt and prepare us to receive Thee with eagerness of heart. As our lives are made up of ordinary yet vital duties, establish us in all patience and well-doing. Give us strength and wisdom that we may at all times control those elements and influences which may cause personal vexations and hardship. Bless our Nation and the nations of the earth and work out among them the sovereign purpose of Thy holy will. In the name of Jesus. Amen.

The Journal of the proceedings of Saturday, December 30, 1922, was read and approved.

EXTENSION OF REMARKS.

Mr. HICKS. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. HICKS. Mr. Speaker, my attention has been called to the fact that on December 29 there were certain references put in the Record purporting to be the views of Mr. Hoover in regard to the tariff. Mr. Hoover has called my attention to these references which erroneously state his views, and in justice to the Secretary of Commerce and his views on this important subject I ask unanimous consent that I may include in my remarks a statement from Mr. Hoover.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

Mr. GARNER. Reserving the right to object, who put them in the Record?

Mr. HICKS. The gentleman from Arkansas [Mr. Wingo].

Mr. GARNER. I think the gentleman ought to wait until the gentleman from Arkansas is here to give him an opportunity to correct them if they are erroneous.

Mr. HICKS. Very well, Mr. Speaker, I withdraw my request and will make it when Mr. Wingo is on the floor.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed with amendments the bill (H. R. 13374) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1924, and for other purposes, in which the concurrence of the House of Representatives was requested.

AGRICULTURAL APPROPRIATION BILL.

Mr. ANDERSON. Mr. Speaker, I call up the bill (H. R. 13481) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1924, and for other purposes, and I move the previous question on the bill and all amendments to final passage.

The SPEAKER. The gentleman from Minnesota calls up the Agricultural appropriation bill and moves the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. ANDERSON. Mr. Speaker, I demand a separate vote on the Jones amendment relating to the publication of the special report on Diseases of the Horse and Diseases of Cattle.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them in gross.

There was no demand for a separate vote on any other amendment.

The other amendments were agreed to.

The SPEAKER. The Clerk will report the Jones amendment.

The Clerk read as follows:

Page 70, line 24, after the figures "\$39,000," insert a new paragraph as follows:

"For printing, binding, and distribution of the publications entitled 'Diseases of the Horse' and 'Diseases of Cattle,' \$200,000."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 36 yeas and 50 noes.

Mr. JONES of Texas. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point that no quorum is present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 148, nays 119, not voting 163, as follows:

YEAS—148.

Abernethy	Frear	Lineberger	Shaw
Almon	Gahn	Lowrey	Shelton
Andrews, Nebr.	Garner	Lyon	Sinclair
Atkeson	Garrett, Tenn.	McClintic	Sinnott
Bankhead	Goldsborough	McLaughlin, Mich.	Slason
Beck	Griest	McLaughlin, Pa.	Smith, Idaho
Bell	Hadley	McPherson	Steagall
Bland, Va.	Hardy, Colo.	MacGregor	Stevenson
Blanton	Hardy, Tex.	Maloney	Strong, Kans.
Bowers	Haugen	Martin	Summers, Wash.
Bowling	Hawes	Miller	Summers, Tex.
Box	Hayden	Montague	Swank
Briggs	Henry	Moore, Va.	Sweet
Browne, Wis.	Hickey	Moore, Ind.	Swing
Byrnes, S. C.	Hooker	Morin	Taylor, Colo.
Byrns, Tenn.	Huddleston	Nelson, J. M.	Taylor, Tenn.
Cantrill	Hull	Newton, Mo.	Thomas
Carter	Humphrey, Nebr.	Oldfield	Thorpe
Clague	James	Oliver	Timberlake
Clarke, N. Y.	Jeffers, Ala.	Parks, Ark.	Tincher
Cockran	Johnson, Ky.	Paul	Towner
Collier	Jones, Tex.	Porter	Turner
Collins	Kelly, Pa.	Pou	Tyson
Colton	Ketcham	Quin	Upshaw
Cooper, Wis.	Kincheloe	Raker	Vinson
Crowther	Kissel	Ramseyer	Volgt
Dale	Knight	Rankin	Volstead
Davis, Tenn.	Kopp	Rayburn	Webster
Dominick	Lampert	Reece	White, Kans.
Doughton	Langley	Rhodes	Williams, Ill.
Dowell	Lanham	Roach	Williamson
Driver	Lankford	Rodenberg	Wilson
Dupré	Larsen, Ga.	Rouse	Wingo
Faust	Larson, Minn.	Rucker	Woodruff
Favrot	Lazaro	Sanders, Tex.	Woodward
Fisher	Lea, Calif.	Sandlin	Wright
Fitzgerald	Leatherwood	Scott, Tenn.	Wurzbach

NAYS—119.

Anderson	Bird	Burton	Cole, Iowa
Andrew, Mass.	Black	Butler	Cole, Ohio
Appleby	Bland, Ind.	Campbell, Kans.	Cooper, Ohio
Bacharach	Bond	Cannon	Copley
Barbour	Britten	Chandler, N. Y.	Crago
Beedy	Brooks, Ill.	Chindblom	Cramton
Begg	Buchanan	Classon	Curry
Benham	Burtess	Clouse	

Denison	Hoch	Mills	Sanders, Ind.
Dickinson	Huck	Mondell	Shreve
Edmonds	Hukriede	Montoya	Siegel
Elliott	Husted	Moore, Ohio	Snell
Fairfield	Johnson, S. Dak.	Morgan	Speaks
Fenn	Johnson, Wash.	Murphy	Sproul
Fess	Kearns	Nelson, Me.	Stafford
Foster	Kline, N. Y.	Newton, Minn.	Steenerson
Freeman	Knutson	Norton	Stephens
Frothingham	Kraus	Ogden	Strong, Pa.
Fuller	Layton	Olpp	Temple
Gerner	Lee, N. Y.	Parker, N. J.	Tilson
Gifford	Luhning	Patterson, N. J.	Treadway
Graham, Ill.	McArthur	Perkins	Underhill
Graham, Pa.	McKenzie	Perlman	Vaile
Greene, Mass.	McLaughlin, Nebr.	Radcliffe	Vestal
Greene, Vt.	MacLafferty	Ransley	Ward, N. Y.
Hawley	Madden	Ricketts	Wason
Hersey	Magee	Riddick	Watson
Hicks	Mapes	Robison	White, Me.
Hill	Merritt	Rogers	Young
Himes	Michener	Rosenbloom	

NOT VOTING—163.

Ackerman	Evans	Kitchin	Riordan
Ansorge	Fairchild	Klecza	Robertson
Anthony	Fields	Kline, Pa.	Rose
Arentz	Fish	Kreider	Rossdale
Aswell	Focht	Kunz	Ryan
Barkley	Fordney	Lawrence	Sabath
Bixler	Free	Lee, Ga.	Sanders, N. Y.
Blakeney	French	Lehlbach	Schall
Boles	Fulmer	Linthicum	Scott, Mich.
Brand	Funk	Little	Sears
Brennan	Gallivan	Logan	Slomp
Brooks, Pa.	Garrett, Tex.	London	Smith, Mich.
Brown, Tenn.	Gensman	Longworth	Smithwick
Bulwinkle	Gilbert	Luce	Snyder
Burdick	Glynn	McCormick	Stedman
Burke	Goodykoontz	McDuffie	Stiness
Burroughs	Gorman	McFadden	Stoll
Cable	Gould	McSwain	Sullivan
Campbell, Pa.	Green, Iowa	Mansfield	Tague
Carew	Griffin	Mead	Taylor, Ark.
Chalmers	Hammer	Michaelson	Taylor, N. J.
Chandler, Okla.	Hays	Moore, Ill.	Ten Eyck
Christopherson	Herrick	Mott	Thompson
Clark, Fla.	Hogan	Mudd	Tillman
Codd	Hudspeth	Nelson, A. P.	Tinkham
Connally, Tex.	Humphreys, Miss.	O'Brien	Tucker
Connolly, Pa.	Hutchinson	O'Connor	Vare
Coughlin	Ireland	Osborne	Volk
Crisp	Jacoway	Overstreet	Walters
Cullen	Jeffers, Nebr.	Paige	Ward, N. C.
Dallinger	Johnson, Miss.	Park, Ga.	Weaver
Davis, Minn.	Jones, Pa.	Parker, N. Y.	Wheeler
Deal	Kahn	Patterson, Mo.	Williams, Tex.
Dempsey	Keller	Petersen	Winslow
Drane	Kelley, Mich.	Pringey	Wise
Drewry	Kendall	Purnell	Wood, Ind.
Dunbar	Kennedy	Rainey, Ala.	Woods, Va.
Dunn	Kiess	Rainey, Ill.	Wyant
Dyer	Kindred	Reber	Yates
Echols	Kirkpatrick	Reed, N. Y.	Zihlman
Ellis	King	Reed, W. Va.	

So the amendment was agreed to.

The Clerk announced the following general pairs:

Mr. Kline of Pennsylvania with Mr. Bulwinkle.

Mr. Lehlbach with Mr. Connally of Texas.

Mr. Snyder with Mr. Mead.

Mr. McFadden with Mr. O'Brien.

Mr. Dempsey with Mr. Drane.

Mr. Christopherson with Mr. Carew.

Mr. A. P. Nelson with Mr. McSwain.

Mr. Dunn with Mr. Park of Georgia.

Mr. Kahn with Mr. Rainey of Illinois.

Mr. Paige with Mr. Fields.

Mr. Wyant with Mr. Riordan.

Mr. Taylor of New Jersey with Mr. Stedman.

Mr. Winslow with Mr. Tague.

Mr. Keller with Mr. Griffin.

Mr. Wood of Indiana with Mr. Hammer.

Mr. Patterson of Missouri with Mr. Stoll.

Mr. Jones of Pennsylvania with Mr. Kitchin.

Mr. Dunbar with Mr. Tucker.

Mr. Davis of Minnesota with Mr. Drewry.

Mr. Arentz with Mr. Fulmer.

Mr. Dallinger with Mr. Garrett of Texas.

Mr. Focht with Mr. Johnson of Mississippi.

Mr. Osborne with Mr. Taylor of Arkansas.

Mr. Pringey with Mr. Mansfield.

Mr. Michaelson with Mr. London.

Mr. Burroughs with Mr. Rainey of Alabama.

Mr. Ellis with Mr. Crisp.

Mr. Longworth with Mr. Aswell.

Mr. Campbell of Pennsylvania with Mr. Linthicum.

Mr. French with Mr. Wise.

Mr. Kiess with Mr. Gallivan.

Mr. Purnell with Mr. Sabath.

Mr. Ackerman with Mr. Kindred.

Mr. Fish with Mr. Tillman.
 Mr. Lawrence with Mr. Lee of Georgia.
 Mr. Smith of Michigan with Mr. Williams of Texas.
 Mr. Thompson with Mr. Woods of Virginia.
 Mr. Moore of Illinois with Mr. Barkley.
 Mr. Hutchinson with Mr. Logan.
 Mr. Connolly of Pennsylvania with Mr. Overstreet.
 Mr. Free with Mr. Deal.
 Mr. King with Mr. Gilbert.
 Mr. Reed of New York with Mr. Smithwick.
 Mr. Anthony with Mr. Humphreys of Mississippi.
 Mr. Echols with Mr. Sears.
 Mr. Kendall with Mr. Kunz.
 Miss Robertson with Mr. Ward of North Carolina.
 Mr. Bixler with Mr. Sullivan.
 Mr. Ketcham with Mr. Hudspeth.
 Mr. Rose with Mr. Brand.
 Mr. Fordney with Mr. McDuffie.
 Mr. Brennan with Mr. Cullen.
 Mr. Goodykooz with Mr. O'Connor.
 Mr. Luce with Mr. Clark of Florida.

The result of the vote was announced as above recorded.
 A quorum being present, the doors were opened.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. JOHNSON of Washington and Mr. CARTER rose.

The SPEAKER. The Chair will recognize the gentleman from Oklahoma.

Mr. CARTER. Mr. Speaker, I have a motion to recommit which I send to the desk.

Mr. JOHNSON of Washington. Mr. Speaker, I have a motion to recommit.

The SPEAKER. Is the gentleman from Oklahoma opposed to the bill?

Mr. CARTER. I certainly am, without this amendment in it.

The SPEAKER. The gentleman is on the committee, and the Chair recognizes him. The Clerk will report the motion of the gentleman from Oklahoma.

The Clerk read as follows:

Mr. CARTER moves to recommit the bill to the Committee on Appropriations with instructions to that committee to report the same back forthwith with the following amendment: "Page 32, after line 16, insert the following as a new paragraph:

"Purchase and distribution of valuable seeds: For purchase, propagation, testing, and congressional distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, postal cards, gas, electric current, rent outside of the District of Columbia, official traveling expenses, and all necessary material and repairs for putting up and distributing the same; for repairs and the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, \$360,000. And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated; and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States: *Provided*, That the Secretary of Agriculture, after due advertisement and on competitive bids, is authorized to award the contract for the supplying of printed packets and envelopes and the packing, assembling, and mailing of the seeds, bulbs, shrubs, vines, cuttings, and plants, or any part thereof, for a period of not more than five years nor less than one year, if by such action he can best protect the interests of the United States. An equal proportion of five-sixths of all seeds, bulbs, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the department upon the receipt of their addressed franks, in packages of such weight as the Secretary of Agriculture and the Postmaster General may jointly determine: *Provided, however*, That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each Member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided also*, That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-fourth parallels of latitude shall be ready for delivery not later than the 10th day of January: *Provided also*, That any portion of the allotments to Senators, Representatives, and Delegates in Congress remaining uncalled for on the 1st day of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress and who have not before during the same season been supplied by the department: *And provided also*, That the Secretary shall report, as provided in this act, the place, quantity and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, testing, propagation, and distribution of valuable seeds, bulbs, mulberry and other rare and valuable trees, shrubs, vines, cuttings, and plants."

Mr. BLANTON. Mr. Speaker, I make the point of order against the motion to recommit.

Mr. ANDERSON. Mr. Speaker, I move the previous question on the motion to recommit.

Mr. BLANTON. Mr. Speaker, I make the point of order against the motion to recommit on the ground that the amendment is legislation unauthorized on an appropriation bill and it is a change of existing law. Especially I call the attention of the Chair to that part of the amendment embraced in the motion to recommit which authorizes the Secretary of Agriculture to make seed contracts for a period as long as five years, extending the contracts through the life of more than two Congresses. It is unauthorized, and it should not be permitted on an appropriation bill.

The SPEAKER. Does the gentleman from Oklahoma claim that it is authorized by existing law?

Mr. CARTER. Mr. Speaker, I know the present occupant of the chair is familiar with the various actions that have been taken with reference to this matter, but I call the attention of the Chair to the two very important ones. As the Chair is aware, perhaps, on January 29, 1907, Mr. Candler, of Mississippi, offered a similar amendment. Mr. Jones, of Washington, made a point of order against it. The Chair sustained the point of order, and on an appeal from that decision the decision of the Chair was overruled by a vote of 136 to 84.

The SPEAKER. Was that in the House or in Committee of the Whole?

Mr. CARTER. That was in Committee of the Whole. Then, last year, on March 29, 1922, the Chairman refused to rule on the point, but submitted it to the House.

The SPEAKER. Was that in the committee or in the House?

Mr. CARTER. That was in the committee. At that time the committee again sustained the amendment by a vote of 113 to 46. The committee having twice decided on the matter, that, it seems to me, ought to fix the status of it. On two different occasions the House in Committee of the Whole has decided by decisive and overwhelming majorities that this same amendment was not obnoxious to the rules of the House. Therefore it is simply now a question of the House having the right to fix the parliamentary precedents. It is a question of the House having the right to vote on that on which it desires to vote.

The SPEAKER. Does the gentleman claim that in his opinion this is not a change of existing law?

Mr. CARTER. I claim that the House in the Committee of the Whole has twice decided that it was not, and that is a much better precedent than the opinion of the gentleman from Oklahoma.

The SPEAKER. The Chair is ready to rule.

Mr. BEGG. Did the House decide this or the Committee of the Whole?

Mr. CARTER. The House in Committee of the Whole.

Mr. BEGG. That is an entirely different proposition from the House.

Mr. BLANTON. And the Committee of the Whole the other day reversed the decision.

Mr. LANGLEY. Mr. Speaker, will the Chair hear me a moment? The gentleman from Texas [Mr. BLANTON] is in error when he says that the committee reversed it the other day.

The SPEAKER. The gentleman from Texas had not been recognized by the Chair.

Mr. LANGLEY. I misunderstood the situation. Mr. Speaker, I call the attention of the Chair to the fact that the Chairman of the Committee of the Whole House has three times decided that this amendment is in order; and not only that, but, as stated by the gentleman from Oklahoma [Mr. CARTER], the Committee of the Whole House by a decisive vote has also twice decided it is in order. As the Chair knows, it is practically the same thing as the House acting, because, as everybody knows, it is merely a fiction that we go from the House into the Committee of the Whole and back again into the House. So that the membership of the House has, as a matter of fact, decided more than once that it is in order, and therefore not a change of existing law. What is the use of going over it all again?

The SPEAKER. The Chair is aware, as all the membership of the House is probably aware, that this question has come up many times in Committee of the Whole. The Chair thinks that every Chairman of the Committee of the Whole who has given his opinion upon it as a problem of parliamentary law has ruled that it is not in order. The Chair thinks that every Member of the House who will give the matter his unbiased attention will admit that it is not in order. It seems to the Chair perfectly clear, and the gentleman from Oklahoma [Mr.

CARTER] does not argue that it is in order under the rules of parliamentary law, but merely argues that the Committee of the Whole has several times decided by a majority vote that it is in order. He offers no other argument as to its being in order. The Chair thinks probably he is wise in that, because the Chair does not see how such an argument can be sustained.

Mr. CARTER. Mr. Speaker, will the Chair—

The SPEAKER. The Chair prefers to rule. The Chair has heard the gentleman. The Chair thinks he ought to suggest that preserving the authority and binding force of parliamentary law is as much the duty of each Member of the House as it is the duty of the Chair, that the rights of every one of us here depend upon it, and that each Member ought to vote on such a question, not as his interest or desires in respect to the particular subject may sway him but as he thinks is really the law. It is unquestionably true that several times the Committee of the Whole House has overruled the decision of the Chairman of that committee and has held that an amendment like this is in order. That, however, has never been done in the House. If the House should take that action, of course the Chair would bow to the opinion of the House and follow it; but until then the Chair thinks that he is bound to follow the rules of parliamentary law, and the Chair thinks the same duty rests upon every individual Member of the House. The Chair sustains the point of order.

Mr. LANGLEY. Mr. Speaker, much as I respect the Speaker's judgment and fairness, I most respectfully appeal from the decision of the Chair.

Mr. ANDERSON. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER. The gentleman from Kentucky appeals from the decision of the Chair, and the gentleman from Minnesota moves to lay the appeal on the table. The question is on the motion of the gentleman from Minnesota to lay the appeal on the table.

The question was taken, and the Chair announced himself in doubt.

Mr. ANDERSON. Mr. Speaker, I demand the yeas and nays.

Mr. CARTER. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 173, nays 85, answered "present" 3, not voting 169, as follows:

YEAS—173.

Anderson	Dowell	Kline, N. Y.	Ramseyer
Andrew, Mass.	Driver	Knight	Rankin
Andrews, Nebr.	Edmonds	Knutson	Ransley
Anthony	Elliot	Kraus	Rayburn
Appleby	Fairfield	Larson, Minn.	Rhodes
Bacharach	Faust	Layton	Rogers
Bankhead	Fenn	Leatherwood	Rosenbloom
Barbour	Fess	Lee, N. Y.	Sanders, Ind.
Beck	Fisher	Lineberger	Shaw
Beedy	Freeman	Longworth	Shreve
Begg	Frothingham	McArthur	Siegel
Benham	Fuller	McClintic	Sinnott
Bird	Garner	McKenzie	Snell
Black	Garrett, Tenn.	McLaughlin, Mich.	Speaks
Bland, Va.	Gerner	McLaughlin, Nebr.	Sproul
Blanton	Gifford	McLaughlin, Pa.	Stafford
Bond	Graham, Ill.	McPherson	Steenerson
Box	Graham, Pa.	MacLafferty	Strong, Kans.
Britten	Green, Iowa	Madden	Strong, Pa.
Browne, Wis.	Greene, Mass.	Magee	Summers, Wash.
Buchanan	Griest	Mansfield	Summers, Tex.
Burtness	Hadley	Mapes	Swing
Burton	Hardy, Colo.	Merritt	Temple
Butler	Haugen	Michener	Thorpe
Byrnes, Tenn.	Hawes	Mills	Tilson
Cannon	Henry	Mondell	Timberlake
Cantrill	Hersey	Montague	Towner
Chandler, N. Y.	Hickey	Montoya	Treadway
Chindblom	Hicks	Moore, Ohio	Underhill
Clague	Hill	Moore, Va.	Valle
Clarke, N. Y.	Himes	Moore, Ind.	Vestal
Classon	Hoch	Morgan	Volstead
Clouse	Hukriede	Nelson, Me.	Wason
Cole, Iowa	Humphrey, Nebr.	Nelson, J. M.	Watson
Cole, Ohio	Husted	Newton, Minn.	Webster
Colton	James	Olpp	White, Me.
Cooper, Ohio	Jeffers, Nebr.	Parker, N. J.	Williams, Ill.
Cooper, Wis.	Johnson, S. Dak.	Parks, Ark.	Williamson
Cramton	Johnson, Wash.	Patterson, N. J.	Wingo
Curry	Jones, Tex.	Paul	Woodruff
Dale	Kearns	Perkins	Young
Darrow	Kelly, Pa.	Perlman	
Denison	Ketcham	Porter	
Dickinson	Kissel	Radcliffe	

NAYS—85.

Abernethy	Collier	Goldsborough	Kopp
Almon	Collins	Hardy, Tex.	Lampert
Atkeson	Crowther	Hayden	Langley
Bell	Davis, Tenn.	Hooker	Lanham
Bland, Ind.	Dominick	Huck	Lankford
Bowers	Doughton	Huddleston	Larsen, Ga.
Bowling	Dupré	Hull	Lazaro
Briggs	Favrot	Jeffers, Ala.	Lea, Calif.
Brooks, Pa.	Foster	Johnson, Ky.	Little
Carter	Gahn	Kincheloe	Lowrey

Lyon	Quin	Sinclair	Turner
MacGregor	Raker	Sisson	Tyson
Maloney	Reece	Smith, Idaho	Upshaw
Martin	Ricketts	Smithwick	Vinson
Miller	Roach	Stegall	Voigt
Murphy	Robson	Stephens	Wilson
Newton, Mo.	Rodenberg	Stevenson	Woodward
Norton	Rouse	Swank	Wright
Ogden	Rucker	Sweet	Zihlman
Oldfield	Sanders, Tex.	Taylor, Colo.	
Oliver	Sandlin	Taylor, Tenn.	
Pou	Scott, Tenn.	Thomas	

ANSWERED "PRESENT"—3.

Byrnes, S. C.

Cockran

Greene, Vt.

NOT VOTING—169.

Ackerman	Evans	Klecza	Rossdale
Ansorge	Fairchild	Kline, Pa.	Ryan
Arentz	Felds	Kreider	Sabath
Aswell	Fish	Kunz	Sanders, N. Y.
Barkley	Fitzgerald	Lawrence	Schall
Bixler	Focht	Lee, Ga.	Scott, Mich.
Blakeney	Fordney	Lehlbach	Sears
Boies	Frear	Linthicum	Shelton
Brand	Free	Logan	Slomp
Brennan	French	Louder	Smith, Mich.
Brooks, Ill.	Fulmer	Luce	Snyder
Brown, Tenn.	Funk	Luhling	Stedman
Bulwinkle	Gallivan	McCormick	Stiness
Burdick	Garrett, Tex.	McDuffie	Stoll
Burke	Gensman	McFadden	Sullivan
Burroughs	Gilbert	McSwain	Tague
Cable	Glynn	Mead	Taylor, Ark.
Campbell, Kans.	Goodykoontz	Michaelson	Taylor, N. J.
Campbell, Pa.	Gorman	Moore, Ill.	Ten Eyck
Carew	Gould	Morin	Thompson
Chalmers	Griffin	Mott	Tillman
Chandler, Okla.	Hammer	Mudd	Tincher
Christopherson	Hawley	Nelson, A. P.	Tinkham
Clark, Fla.	Hays	O'Brien	Tucker
Codd	Herrick	O'Connor	Vare
Connally, Tex.	Hogan	Osborne	Volk
Connolly, Pa.	Hudspeth	Overstreet	Walters
Copley	Humphreys, Miss.	Paige	Ward, N. Y.
Coughlin	Hutchinson	Park, Ga.	Ward, N. C.
Crago	Ireland	Parker, N. Y.	Weaver
Crisp	Jacoway	Patterson, Mo.	Wheeler
Cullen	Johnson, Miss.	Petersen	White, Kans.
Dallinger	Jones, Pa.	Pringle	Williams, Tex.
Davis, Minn.	Kahn	Purnell	Winslow
Deal	Keller	Rainey, Ala.	Wise
Dempsey	Kelley, Mich.	Rainey, Ill.	Wood, Ind.
Drane	Kendall	Reber	Woods, Va.
Drewry	Kennedy	Reed, N. Y.	Wurzbach
Dunbar	Kiess	Reed, W. Va.	Wyant
Dunn	Kindred	Riddick	Yates
Dyer	King	Riordan	
Echols	Kirkpatrick	Robertson	
Ellis	Kitchin	Rose	

So the appeal was laid on the table.

The Clerk announced the following pairs:

On this vote:

Mr. Byrnes of South Carolina (for) with Mr. McSwain (against).

Mr. Purnell (for) with Mr. Thompson (against).

Mr. Christopherson (for) with Mr. Lee of Georgia (against).

Mr. Dunbar (for) with Mr. Pringle (against).

Mr. Rose (for) with Mr. Mead (against).

Mr. Ackerman (for) with Mr. Hudspeth (against).

Mr. A. P. Nelson (for) with Mr. Woods of Virginia (against).

Mr. Bixler (for) with Mr. Lawrence (against).

Mr. French (for) with Mr. Kendall (against).

Mr. Greene of Vermont (for) with Mr. Campbell of Pennsylvania (against).

Mr. Johnson of Mississippi (for) with Mr. Park of Georgia (against).

Mr. Funk (for) with Mr. Luce (against).

Mr. Arentz (for) with Mr. Aswell (against).

Until further notice:

Mr. Winslow with Mr. Barkley.

Mr. Free with Mr. Logan.

Mr. Kiess with Mr. Clark of Florida.

Mr. Reed of New York with Mr. O'Connor.

Mr. Ellis with Mr. Crisp.

Mr. Dempsey with Mr. Rainey of Alabama.

Mr. Wyant with Mr. Brand.

Mr. Burdick with Mr. O'Brien.

Mr. Cable with Mr. Cullen.

Mr. Wood of Indiana with Mr. Gilbert.

Mr. Paige with Mr. Stoll.

Mr. Burroughs with Mr. Wise.

Mr. Codd with Mr. Bulwinkle.

Mr. Dallinger with Mr. McDuffie.

Mr. Hawley with Mr. Carew.

Mr. Dunn with Mr. Linthicum.

Mr. Michaelson with Mr. Sears.

Mr. Davis of Minnesota with Mr. Gallivan.

Mr. Fish with Mr. Griffin.

Mr. Goodykoontz with Mr. Tague.

Mr. King with Mr. Hammer.
 Mr. Fitzgerald with Mr. Fields.
 Mr. Patterson of Missouri with Mr. Riordan.
 Mr. Focht with Mr. Deal.
 Mr. Hutchinson with Mr. Connally of Texas.
 Mr. Frear with Mr. Sabbath.
 Mr. Gould with Mr. Drane.
 Mr. Jones of Pennsylvania with Mr. Rainey of Illinois.
 Mr. Snyder with Mr. Sullivan.
 Mr. Kahn with Mr. Stedman.
 Mr. McFadden with Mr. Garrett of Texas.
 Mr. Keller with Mr. Humphreys of Mississippi.
 Mr. Kline of Pennsylvania with Mr. Kunz.
 Mr. Lehlbach with Mr. Williams of Texas.
 Mr. Moore of Illinois with Mr. Kindred.
 Mr. Osborne with Mr. Fulmer.
 Mr. Tinchey with Mr. Drewry.
 Mr. Taylor of New Jersey with Mr. Kitchin.
 Mr. Mudd with Mr. Overstreet.
 Mr. Smith of Michigan with Mr. Weaver.
 Mr. Connolly of Pennsylvania with Mr. London.
 Mr. Fordney with Mr. Taylor of Arkansas.
 Mr. Brennan with Mr. Tillman.
 Mr. Echols with Mr. Tucker.
 Mr. GREENE of Vermont. Mr. Speaker, if I am recorded "aye" I ask leave to withdraw that vote as I find I am paired with the gentleman from Pennsylvania [Mr. CAMPBELL].
 The name of Mr. GREENE of Vermont was called and he answered "present."

Mr. REED of West Virginia. Mr. Speaker, I desire to vote.
 The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. REED of West Virginia. I think not.
 The SPEAKER. The gentleman from West Virginia does not qualify. He must be present when his name is called.

The result of the vote was announced as above recorded.
 The SPEAKER. The question is on the passage of the bill.
 The question was taken, and the bill was passed.

On motion of Mr. ANDERSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill which was just passed.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks. Is there objection? [After a pause.] The Chair hears none.

RESIGNATION OF A MEMBER.

The SPEAKER. The Chair lays before the House the following communication.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
 Washington, D. C., January 2, 1923.

HON. FREDERICK H. GILLET,
 Speaker of the House of Representatives,
 Washington, D. C.

SIR: I beg leave to inform you that I have this day transmitted to the Governor of Pennsylvania my resignation as a Representative in the Sixty-seventh Congress of the United States from the first congressional district of Pennsylvania, the term of which ends March 4, 1923, the said resignation to take effect January 2, 1923.

Respectfully,

WILLIAM S. VARE.

INTERIOR DEPARTMENT APPROPRIATION BILL.

Mr. CRAMTON. Mr. Speaker, I wish to call up the bill (H. R. 13559) making appropriations for the Interior Department.

The SPEAKER. The gentleman from Michigan calls up the bill making appropriations for the Interior Department, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 13559) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1924, and for other purposes.

Mr. CRAMTON. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. CRAMTON. Mr. Speaker, I demand a separate vote on the Raker amendment, page 36 of the bill, to rebuild the Greenville (Calif.) Indian School, and also on the Temple amendment, on page 87, increasing from \$325,000 to \$500,000 the appropriation for the topographical survey.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 36, between lines 4 and 5, add as a new paragraph the following:

"For support and education of 100 Indian pupils at the Greenville School, California, including pay for superintendent, \$24,000; for general repairs and improvements, \$4,000; for repair of school building on account of and by reason of the fire of December 17, 1921, to be immediately available, \$60,000; in all, \$88,000."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced the yeas appeared to have it.

On a division (demanded by Mr. RAKER) there were—ayes 37, yeas 127.

Mr. RAKER. Mr. Speaker, I object to the vote and make the point there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and two Members are present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 51, yeas 202, not voting 176, as follows:

YEAS—51.

Abernethy	Favrot	Lazaro	Quin
Almon	Fisher	Lea, Calif.	Raker
Barbour	Garner	Lineberger	Rouse
Bell	Garrett, Tenn.	Lowrey	Sinclair
Bland, Va.	Hardy, Tex.	Lyon	Smithwick
Byrnes, S. C.	Hawes	McClintic	Stevenson
Cockran	Hayden	MacLafferty	Swing
Collier	Hooker	Mansfield	Taylor, Colo.
Collins	Huddleston	Martin	Upshaw
Curry	Johnson, Wash.	Moore, Va.	Vinson
Davis, Tenn.	Kincheloe	Oldfield	Wingo
Doughton	Lankford	Parks, Ark.	Wright
Dupré	Larsen, Ga.	Pou	

NAYS—202.

Ackerman	Fenn	Lec, N. Y.	Rosenberg
Anderson	Fess	Little	Rosenbloom
Andrew, Mass.	Fitzgerald	Longworth	Sanders, Ind.
Andrews, Nebr.	Foster	McArthur	Sanders, Tex.
Anthony	Freeman	McKenzie	Sandlin
Appleby	French	McLaughlin, Mich.	Scott, Tenn.
Atkeson	Frothingham	McLaughlin, Nebr.	Shaw
Bacharach	Fuller	McLaughlin, Pa.	Shelton
Bankhead	Funk	MacGregor	Shreve
Beck	Gahn	Madden	Siegel
Beedy	Gerner	Magee	Sisson
Begg	Gifford	Maloney	Sissem
Benham	Goldsborough	Mapes	Speaks
Bird	Graham, Ill.	Merritt	Sproul
Black	Graham, Pa.	Michener	Stafford
Bland, Ind.	Green, Iowa	Miller	Steagall
Blanton	Greene, Mass.	Mills	Steenerson
Bond	Greene, Vt.	Mondell	Stephens
Bowers	Griest	Montague	Strong, Kans.
Bowling	Hadley	Montoya	Strong, Pa.
Box	Hardy, Colo.	Moore, Ohio	Summers, Wash.
Briggs	Haugen	Moore, Ind.	Summers, Tex.
Britten	Hays	Morgan	Swank
Brooks, Pa.	Henry	Morin	Sweet
Browne, Wis.	Hershey	Mudd	Taylor, Tenn.
Buchanan	Hickey	Murphy	Temple
Burton	Hill	Nelson, Me.	Thorpe
Butler	Himes	Nelson, J. M.	Tilson
Byrns, Tenn.	Hoch	Newton, Minn.	Timberlake
Cannon	Huck	Newton, Mo.	Towner
Carter	Hukriede	Norton	Treadway
Chandler, N. Y.	Humphrey, Nebr.	Ogden	Turner
Chindblom	Husted	Oliver	Unruh
Clarke, N. Y.	Jefferis, Nebr.	Olpp	Valle
Classon	Jeffers, Ala.	Parker, N. J.	Vestal
Clouse	Johnson, Ky.	Patterson, N. J.	Voigt
Cole, Iowa	Johnson, S. Dak.	Paul	Volstead
Cole, Ohio	Jones, Tex.	Perkins	Ward, N. Y.
Colton	Kearns	Perlman	Wason
Cooper, Ohio	Kelly, Pa.	Petersen	Watson
Cooper, Wis.	Ketcham	Radcliffe	Webster
Cramton	Kissel	Ramsayer	White, Me.
Dale	Kline, N. Y.	Rankin	Williams, Ill.
Darrow	Knutson	Ransley	Williamsen
Dickinson	Kopp	Rayburn	Wood, Ind.
Dominick	Kraus	Reece	Woodruff
Dowell	Langley	Reed, W. Va.	Woodward
Edmonds	Lanham	Rhodes	Wurzbach
Elliott	Larson, Minn.	Ricketts	Young
Fairfield	Layton	Roach	
Faust	Leatherwood	Robison	

NOT VOTING—176.

Ansorge	Burdick	Clague	Davis, Minn.
Arentz	Burke	Clark, Fla.	Deal
Aswell	Burroughs	Codd	Dempsey
Barkley	Burtness	Connally, Tex.	Denison
Bixler	Cable	Connolly, Pa.	Drane
Blakeney	Campbell, Kans.	Copley	Drewry
Boles	Campbell, Pa.	Coughlin	Driver
Brand	Cantrill	Crago	Dunbar
Brennan	Carew	Crisp	Dunn
Brooks, Ill.	Chalmers	Crowther	Dyer
Brown, Tenn.	Chandler, Okla.	Cullen	Echols
Bulwinkle	Christopherson	Dallinger	Ellis

Evans	Kahn	Mott	Smith, Mich.
Fairchild	Keller	Nelson, A. P.	Snell
Fields	Kelley, Mich.	O'Brien	Snyder
Fish	Kendall	O'Connor	Stedman
Focht	Kennedy	Osborne	Stiness
Fordney	Kless	Overstreet	Stoll
Frear	Kindred	Paige	Sullivan
Free	King	Park, Ga.	Tague
Fulmer	Kirkpatrick	Parker, N. Y.	Taylor, Ark.
Gallivan	Kitchin	Patterson, Mo.	Taylor, N. J.
Garrett, Tex.	Klecza	Porter	Ten Eyck
Gensman	Kline, Pa.	Pringley	Thomas
Gilbert	Knight	Purnell	Thompson
Glynn	Kreider	Rainey, Ala.	Tillman
Goodykoontz	Kunz	Rainey, Ill.	Tincher
Gorman	Lampert	Reber	Tinkham
Gould	Lawrence	Reed, N. Y.	Tucker
Griffin	Lee, Ga.	Riddick	Tyson
Hammer	Leibach	Riordan	Volk
Hawley	Lithicum	Robertson	Walters
Herrick	Luce	Rogers	Ward, N. C.
Hicks	Luhning	Rose	Weaver
Hogan	McCormick	Rossdale	Wheeler
Hudspeth	McDuffie	Rucker	White, Kans.
Hull	McFadden	Ryan	Williams, Tex.
Humphreys, Miss.	McPherson	Sabath	Wilson
Hutchinson	McSwain	Sanders, N. Y.	Winslow
Ireland	Mead	Schall	Wise
Jacoway	Michaelson	Scott, Mich.	Woods, Va.
James	Moore, Ill.	Sears	Wyant
Johnson, Miss.		Sinnot	Yates
Jones, Pa.		Smith, Idaho	Zihlman

So the amendment was rejected.

The Clerk announced the following additional pairs:
Until further notice:

Mr. Rose with Mr. Mead.
Mr. A. P. Nelson with Mr. Woods of Virginia.
Mr. Arentz with Mr. Aswell.
Mr. Snell with Mr. Wilson.
Mr. Sinnot with Mr. Ward of North Carolina.
Mr. Rogers with Mr. Cantrill.
Mr. Bixler with Mr. Driver.
Mr. Dunbar with Mr. Jacoway.
Mr. Lampert with Mr. Overstreet.
Mr. McPherson with Mr. Rucker.
Mr. Thompson with Mr. Park of Georgia.
Mr. Goodykoontz with Mr. Johnson of Mississippi.
Mr. Lawrence with Mr. Fields.
Mr. Denison with Mr. Gilbert.
Mr. Kendall with Mr. Hudspeth.
Mr. Luce with Mr. McSwain.
Mr. Porter with Mr. Thomas.
Mr. Purnell with Mr. Tyson.
Mr. Christopherson with Mr. Lee of Georgia.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

The doors were opened.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. TEMPLE: Page 87, line 8, after the word "forests," strike out "\$24,500" and insert in lieu thereof "\$500,000."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. TEMPLE. A division, Mr. Speaker.

Mr. BLANTON. I ask for a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 61, noes 60.

Mr. CRAMTON. Mr. Speaker, what was the vote? I did not hear the announcement.

The SPEAKER. The ayes are 61 and noes are 60.

Mr. CRAMTON. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Michigan demands the yeas and nays.

Mr. CRAMTON. Pending that, Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The gentleman from Michigan suggests the absence of a quorum.

Mr. GARRETT of Tennessee. Mr. Speaker, I do not object to a roll call being held that way, but I will call attention to the last roll call, which showed a quorum, and no business has been transacted since then.

The SPEAKER. It is very clear that there is no quorum present.

Mr. BLANTON. I make the point of order, Mr. Speaker, that after the Chair had announced the vote on the division the gentleman called for the yeas and nays, and the Speaker was proceeding to count, and then the point of no quorum was made. I make the point of order that the point comes too late.

Mr. WINGO. The matter still was not closed.

Mr. BLANTON. But it would bring the vote on the call for yeas and nays.

The SPEAKER. The Chair thinks it would bring the yeas and nays on the amendment.

Mr. SNEEL. The point of no quorum is in order at any time.

The SPEAKER. The Doorkeeper will close the doors; the Sergeant at Arms will bring in absent Members. As many as favor the amendment will, as their names are called, vote yea, those opposed nay, and the Clerk will call the roll.

The question was taken; and there were—yeas 138, nays 113, answered "present" 1, not voting 177, as follows:

YEAS—138.

Abernethy	Driver	Lanham	Sanders, Tex.
Ackerman	Dupré	Lankford	Sandlin
Almon	Edmonds	Larson, Minn.	Scott, Tenn.
Bankhead	Elliott	Lazaro	Shaw
Barbour	Favrot	Lea, Calif.	Shelton
Beck	Fess	Leatherwood	Sinclair
Bell	Fisher	Lineberger	Sinnot
Black	Fitzgerald	Lyon	Smith, Idaho
Bland, Va.	Foster	McLaughlin, Mich.	Smithwick
Blanton	Frear	McPherson	Speaks
Bowling	Funk	Mansfield	Sprout
Box	Garner	Mapes	Stevenson
Briggs	Garrett, Tenn.	Martin	Summers, Wash.
Britten	Goldsborough	Merritt	Summers, Tex.
Brooks, Pa.	Graham, Ill.	Miller	Swank
Browne, Wis.	Graham, Pa.	Montague	Swing
Buchanan	Greene, Vt.	Montoya	Taylor, Colo.
Burton	Griest	Moore, Va.	Temple
Butler	Hardy, Colo.	Moore, Ind.	Timberlake
Byrns, Tenn.	Hardy, Tex.	Morin	Turner
Carter	Hawes	Newton, Minn.	Turner
Chandler, N. Y.	Hawley	Newton, Mo.	Upshaw
Chindblom	Hayden	Oldfield	Vaile
Clarke, N. Y.	Hickey	Oliver	Vinson
Classon	Himes	Paul	Volgt
Cockran	Hooker	Quin	Ward, N. Y.
Collier	Huck	Raker	Watson
Collins	Huddleston	Ransley	Wilson
Colton	Hull	Rayburn	Wingo
Curry	Jeffers, Ala.	Reed, W. Va.	Woodruff
Dale	Johnson, Ky.	Rhodes	Wright
Darrow	Johnson, S. Dak.	Roach	Wurzbach
Davis, Tenn.	Jones, Tex.	Rosenbloom	Zihlman
Denison	Kelly, Pa.	Rouse	
Doughton	Kincheloe	Sanders, Ind.	

NAYS—113.

Anderson	French	Longworth	Rankin
Andrew, Mass.	Frothingham	Lowrey	Reece
Andrews, Nebr.	Fuller	McClintic	Ricketts
Anthony	Gahn	McKenzie	Robison
Appleby	Gerner	MacGregor	Shreve
Atkeson	Gifford	MacLafferty	Siegel
Bacharach	Green, Iowa	Madden	Snell
Beady	Greene, Mass.	Magee	Stafford
Begg	Hadley	Maloney	Steagall
Benham	Haugen	Michener	Steenerson
Bird	Henry	Mills	Stephens
Bond	Hersey	Mondell	Strong, Kans.
Bowers	Hicks	Moore, Ohio	Strong, Pa.
Burtness	Hill	Morgan	Taylor, Tenn.
Byrnes, S. C.	Hoch	Mudd	Thomas
Cannon	Humphrey, Nebr.	Murphy	Thorpe
Clouse	Husted	Nelson, Me.	Tilson
Cole, Iowa	Jeffers, Nebr.	Nelson, J. M.	Treadway
Cole, Ohio	Johnson, Wash.	Norton	Underhill
Cooper, Ohio	Kearns	Ogden	Vestal
Cooper, Wis.	Ketcham	Olpp	Wason
Cramton	Kissel	Parker, N. J.	Webster
Crowther	Kline, N. Y.	Parks, Ark.	White, Me.
Dickinson	Knutson	Patterson, N. J.	Williamson
Domnick	Kopp	Perkins	Wood, Ind.
Fairfield	Kraus	Perlman	Young
Faust	Larsen, Ga.	Petersen	
Fenn	Layton	Radcliffe	
Freeman	Lee, N. Y.	Ramseyer	

ANSWERED "PRESENT"—1.

Sisson

NOT VOTING—177.

Ansorge	Clark, Fla.	Pocht	Jones, Pa.
Arentz	Codd	Fordney	Kahn
Aswell	Connally, Tex.	Free	Keller
Barkley	Connolly, Pa.	Fulmer	Kelley, Mich.
Bixler	Copley	Gallivan	Kendall
Blakeney	Coughlin	Garrett, Tex.	Kennedy
Bland, Ind.	Crago	Gensman	Kless
Boles	Crisp	Gilbert	Kindred
Brand	Cullen	Glynn	King
Brennan	Dallinger	Goodykoontz	Kirkpatrick
Brooks, Ill.	Davis, Minn.	Gorman	Kitchin
Brown, Tenn.	Deal	Gould	Klecza
Bulwinkle	Dempsey	Griffin	Kline, Pa.
Burdick	Dowell	Hammer	Knight
Burke	Drane	Hays	Kreider
Burroughs	Drewry	Herrick	Kunz
Cable	Dunbar	Hogan	Lampert
Campbell, Kans.	Dunn	Hudspeth	Langley
Campbell, Pa.	Dyer	Hukriede	Lawrence
Cantrill	Echols	Humphreys, Miss.	Lee, Ga.
Carew	Ellis	Hutchinson	Leibach
Chalmers	Evans	Ireland	Lithicum
Chandler, Okla.	Fairchild	Jacoway	Little
Christopherson	Fields	James	Logan
Clague	Fish	Johnson, Miss.	London

Luce	Parker, N. Y.	Sanders, N. Y.	Tucker
Luhning	Patterson, Mo.	Schall	Tyson
McArthur	Porter	Scott, Mich.	Volk
McCormick	Pou	Sears	Volstead
McDuffie	Pringley	Slomp	Walters
McFadden	Purnell	Smith, Mich.	Ward, N. C.
McLaughlin, Nebr.	Rainey, Ala.	Snyder	Weaver
McLaughlin, Pa.	Rainey, Ill.	Stedman	Wheeler
McSwain	Reber	Stiness	White, Kans.
Mead	Reed, N. Y.	Stoll	Williams, Ill.
Michaelson	Riddick	Sullivan	Williams, Tex.
Moore, Ill.	Riordan	Sweet	Winslow
Mott	Robertson	Tague	Wise
Nelson, A. P.	Rodenberg	Taylor, Ark.	Woods, Va.
O'Brien	Rogers	Taylor, N. J.	Woodyard
O'Connor	Rose	Ten Eyck	Wyant
Osborne	Rossdale	Thompson	Yates
Overstreet	Rucker	Tillman	
Paige	Ryan	Tincher	
Park, Ga.	Sabath	Tinkham	

So the amendment was agreed to.

The Clerk announced the following additional pairs:
Until further notice:

Mr. Williams of Illinois with Mr. Rucker.

Mr. Porter with Mr. Tague.

Mr. Langley with Mr. Ward of North Carolina.

Mr. Hukriede with Mr. Logan.

Mr. Dowell with Mr. Sabath.

Mr. Bixler with Mr. Carew.

Mr. Bland of Indiana with Mr. Gilbert.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The amendment is agreed to. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. CRAMTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

THE TARIFF.

Mr. WINGO. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to address the House for 10 minutes. Is there objection?

There was no objection.

Mr. WINGO. Mr. Speaker, on the 29th day of December, 1922, I took occasion to comment rather facetiously upon an article in the well-recognized administration paper, the Washington Post. At that time I called attention to that article, and referred not only to the newspaper but to the writer of the article, Mr. Harry N. Price, and called attention to the title of the article, which was "Tariff seen as a boon." In reading that article, which appeared on the front page of the administration organ that day, I read a quotation which Mr. Price made from Mr. Hoover. Evidently Mr. Hoover did not himself read my remarks, but anyway he has written me a letter saying he did not make the statement attributed to him and asking me to correct any misimpressions that may have been given to an expectant country by a misstatement of his position upon the question covered in the article.

So that the House may appreciate the spirit of my remarks upon that occasion, those of you who were here will recall that it was a facetious statement, and that in making it I had but one object in view, and that was to call attention to that which was obvious, and that Mr. Price had been directed by the administration to go out and adopt the Doctor Coné method of satisfying the American people with the recently enacted profiteer tariff bill. That was the object of my remarks, which you will find on page 1074 of the RECORD of December 29. You also remember I expressed great surprise to find that one of the arguments the writer gave why this tariff was proving such a boon was that "the imports and the exports are becoming more evenly balanced, and that this is the result of foreign countries paying more in goods than in money, which is helping to bring about a stabilization of foreign exchange and a balance of the world's gold supply."

I expressed surprise on that occasion that a Republican should make any such statement. Later on I read from my own remarks, on page 1075, as follows:

But, of course, any dissertation at this time would be a little bit "off" if it did not include the guiding genius of this administration—the good genius of this administration and the evil genius of the Wilson administration—Sir Herbert Hoover.

And then the article in question stated the following:

Mr. Hoover reported, it is said, that arguments that the high duties of the new tariff would strangle imports, so as to make it impossible for foreign countries to buy from America, were controverted effectively by the facts. He held that the invisible exchange more than anything else made up the difference, and that prosperity at home, helped by a protective but a proper tariff, brings a reflex action in foreign trade.

Of course, I paused after reading that quotation from Mr. Price the other day, and then I said: "Get that, my friends, and do not forget it, because Sir Herbert said it, and it must be true."

That is the only statement that can be attributed to me as a quotation of Mr. Hoover. He now writes me:

My attention has been called to a statement of yours in the CONGRESSIONAL RECORD of December 29 relative to a statement you attribute to me with regard to the effect of tariff on foreign trade and upon gold movements. You have apparently been quoting some one else, or some one's mistaken deductions.

If Mr. Hoover had taken the pains to read my remarks he would have seen that I did not attribute any statement to him, but that I simply read from a newspaper article by Harry N. Price in the Washington Post of December 27, I at the time specifically so stating, so, if anyone has attributed to him a statement that he did not make, it is Mr. Price from whose article I read. I am not interested in the controversy that thus arises between Mr. Hoover and Mr. Price, but I desire to be fair to Mr. Hoover, and for that reason I intend to put his side of the controversy in the RECORD just as I put in the RECORD the statement of Mr. Price. Turning again to the letter of Mr. Hoover to me I read, as follows:

I wish to state emphatically that I have never made any such statement as you attribute to me. I inclose herewith the only statement I have made on the subject and I would be obliged if you would correct the misimpressions you have given in the RECORD.

I wish to analyze the statement of Mr. Price's which I quoted and which Mr. Hoover now denies, and compare Mr. Price's quotation of him with extracts from the statement which Mr. Hoover says is the only statement he has made. There are three substantive statements contained in the quotation of Mr. Hoover in the newspaper article written by Mr. Price. The first I read is as follows:

Mr. Hoover said that arguments that the high duties of the new tariff would strangle imports so as to make it impossible for foreign countries to buy from America were controverted effectually by the facts.

Now, let us see if Mr. Price by that statement correctly quoted Mr. Hoover. So that you may judge I will now read an extract from the statement that Mr. Hoover sent me and which he says is the only statement he has made. I quote Mr. Hoover's statement:

The theoretical assumption that the new tariff will so diminish our imports as to strangle the buying power of foreign countries for our exports does not seem borne out by a critical examination of the actual factors involved.

Why, Mr. Speaker, I may be mistaken, but that is in substance exactly what Harry Price said in the article that I read to the House the other day; but now Mr. Hoover writes me:

I have never made any such statement.

Well, Mr. Speaker, if there is any difference in substance and only a difference in phraseology, I confess I can not discover it.

What is the next substantive statement attributed to Mr. Hoover quoted by me from the Price article? Turning again to the statement in the RECORD I read:

That he held that the invisible exchange more than anything else made up the difference and that prosperity at home, helped by a protective but proper tariff brings a reflex action in foreign trade.

Let us see, Mr. Speaker, if Mr. Price thus attributed to Mr. Hoover a statement which he did not make. Again referring to the statement which Mr. Hoover sent me, I find on the first page of it there is a subhead entitled "Invisible exchange," and the first line under that subhead is as follows:

The influence of the balance of invisible exchange in our whole trade and financial relationships is of growing importance.

Further along in the same statement which Mr. Hoover sent me on the third page of that statement I find the following language:

It would at least appear that the invisible exchange is certainly able to take care of commodity balances.

Why, Mr. Speaker, are not these two extracts from the statement which Mr. Hoover himself admits he made, the basis of, and really the substance of the statement that Mr. Price attributed to him in his article of which now Mr. Hoover complains and says:

I deny emphatically that I made any such statement.

Now, what is the next substantive statement attributed to Mr. Hoover by Mr. Price in his article which I read to the House the other day? It is as follows:

That prosperity at home helped by a protective but proper tariff brings a reflex action in foreign trade.

But Mr. Hoover, taking exception to the quotation that I made from Price's article, says:

I did not make any such statement.

Well, Mr. Speaker, I confess I can not understand why a Republican should grow indignant and enter a denial to such a

statement, because it is one of the stock arguments of the Republicans, and, as a matter of fact, the whole trend of Mr. Hoover's admitted statement is epitomized by this statement which Mr. Price attributes to him. But, Mr. Speaker, my surprise at Mr. Hoover's denial in view of the facts is only equalled by the surprise I expressed the other day at Mr. Price's article seeking to show that the tariff was a boon to this country because it increased imports of foreign goods into the domestic markets.

Oh, Mr. Speaker, this controversy but illustrates the contention I made when I discussed the article by Mr. Price. When you start out by sophistry to defend an unsound proposition, whether it be one of legislation or of economics, you get yourself into trouble and meet yourself coming back, as does both Price and Hoover. All over this country the newspapers are carrying headings to the effect that Hoover says so and so. It is but the propaganda of the Republican organization in its efforts to try to meet by Doctor Coué methods the objections of bona fide protectionists—not Democrats, but those who believe in a protection theory—to the profiteer tariff law. If Mr. Hoover is so very jealous of his reputation and will endeavor to follow every one of these things up, I fear that he will find his hands full. On my desk I noted to-day 19 newspapers of the South and West that are carrying this particular propaganda, and I think he should not complain, unless he goes to the newspaper editors or, better still, step right around the corner to the head of the Republican propaganda bureau which is sending out this "bunk." He has no right to complain if I, as a Democrat, an innocent bystander on the side lines, now and then indulge in the amusing pastime of analyzing the incongruities of their arguments and statements made in defense of that monstrosity, the profiteers' tariff act recently enacted. The Democrats certainly are allowed that privilege; but, Mr. Speaker, in justice to Mr. Hoover, I ask unanimous consent to set out in extenso the statement which he inclosed in his letter to me and which he says is the statement he really issued.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to extend his remarks in the Record. Is there objection?

Mr. HICKS. Mr. Speaker, will the gentleman yield?

Mr. WINGO. Yes.

Mr. HICKS. Do I understand that the gentleman is going to put into the Record the three or four pages making up Mr. Hoover's statement? The gentleman from Arkansas and I talked about this matter this morning.

Mr. WINGO. I have read in its entirety, though in separated paragraphs, Mr. Hoover's letter to me, and also parts of his statement; but I desire to put into the Record the complete statement that he attached to his letter to me, and from which I have been quoting.

Mr. HICKS. The three or four printed pages?

Mr. WINGO. There are 1, 2, 3, 4, 5—winding up with the statement headed "Currents in Foreign Trade."

Mr. HICKS. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The statement referred to is as follows:

During the 12 months ending June 30, 1922, our foreign trade suffered in common with the general world depression. The monetary value of our exports and imports during the period in question, in comparison with the previous fiscal year, is shown in the following table:

	1920-21	1921-22
Imports.....	\$3,654,459,346	\$2,608,079,008
Exports.....	6,516,510,033	3,771,286,428
Total foreign trade.....	10,170,969,379	6,379,365,436
Balance of exports over imports.....	2,862,050,687	1,163,207,420

The fall in the monetary value of imports was therefore 28.6 per cent, in exports 42.1 per cent, and in total trade 37.3 per cent. The great decline in value from the previous year was due in a large degree to a fall in prices rather than in quantities, as indicated by the tables of quantity movements of larger commodities in this statement. From these tables it will be seen that our agricultural exports were actually larger in quantity during the year of depression, although they decreased in value by about \$700,000,000. A study of the whole export and import list so far as quantitative statistics are available indicates that roughly our trade in 1922, if it was valued at 1921 prices, would have shown a decrease in exports of 12 per cent, an increase in imports of 29 per cent, or an increase in total trade of roughly 2.7 per cent.

INVISIBLE EXCHANGE.

It is possible to estimate roughly some elements in invisible exchange, such as public issues of foreign loans, tourist traffic, remittances of immigrants, and freight; but other items such as private loans, reciprocal interest payments, investments, and loss by speculation in foreign currencies are unknowable factors. Foreign loans were issued publicly during the fiscal year to the amount of \$1,015,000,000 as compared with

\$618,000,000 during the previous year. What the ebb and flow of private loans may have been is, of course, unknown. It would appear that the net balance of the other items against us amounted to a minimum of from \$400,000,000 to \$500,000,000 per annum. In any event, the invisible exchange against us could be approximated at not less than about \$1,000,000,000 or \$1,100,000,000 in 1920-21 and about \$1,400,000,000 or \$1,500,000,000 in 1921-22.

The balance of goods in our favor drew a net amount of \$449,000,000 in gold and silver during the fiscal year 1922, as compared with \$511,000,000 during the previous year.

For the year 1920-21 the excess of export goods over imports, i. e., the total trade balance of \$2,862,000,000 was liquidated in part by \$511,000,000 in precious metals shipped to us in part by invisible exchange of, say, \$1,100,000,000, leaving an apparently unliquidated balance of about \$1,200,000,000 to \$1,300,000,000 for that fiscal year. A study of the banking returns of unfunded foreign advances at this time does not bear out the conclusion that such an amount of private financing of exports, as indicated above, was ever undertaken and thus the probabilities are that the speculative losses in European currencies and other investments and other forms of invisible exchange were even larger than has been estimated above.

For the year 1921-22 the excess of exports over imports of \$1,163,000,000 was liquidated in part by \$449,000,000 net imports of precious metals and this, together with the additional estimated balance against us of \$1,500,000,000 of invisible exchange, exceeds the amount necessary to square accounts by some \$750,000,000. No doubt this was at least partly absorbed in repayment of private loans because even a smaller amount of private export financing existed in July, 1922, than in July, 1921. Generally this change indicates a much sounder and firmer basis of trade.

GOLD MOVEMENT.

The gold situation in the world is a matter of a great deal of economic thought, and no doubt the heavy drain to America has contributed to the instability of foreign currencies, not only by the diminution of their essential guaranties but also by their fluctuation involved in liquidating trade balances in this fashion. Our gold stocks amount to about \$3,077,000,000. Of this the minimum legal necessities at the moment for assurances to our currency and credits amount roughly to about \$1,600,000,000, but for a 60 per cent reserve of security we would require about \$2,400,000,000. Therefore our surplus amounts to somewhere over \$700,000,000. While this is an asset it nevertheless would be more advantageous to us if it were in active use. The automatic tendencies in our international trade and financial relations are, however, setting strongly toward rectification of this whole situation without artificial action.

There is a steady increase in the ratio of imports to exports of goods as indicated by the decrease in the average monthly balances in our favor over the last two and one-fourth years.

Average monthly balance in our favor.

Six months, July 1 to December 30, 1920.....	\$274,674,811
Six months, January 1 to July 1, 1921.....	202,333,636
Six months, July 1 to December 30, 1921.....	126,980,328
Six months, December 30 to July 1, 1922.....	66,887,576
Three months, July 1 to October 1, 1922.....	51,623,542

At this rate we would, theoretically, reach a balance in the movement of goods in another few months. However, economic movements do not proceed on time schedules, although their trends are no less positive. Many uncertain factors naturally affect commodity movements, and but little beyond tendencies can be noted. It would at least appear that the invisible exchange is certainly able to take care of commodity balances, and that we are reaching the end of the gold import stage of war readjustments. Continued trend in the general direction now evident would soon produce gold exports even in the face of payments on account of allied debts.

SHIFT IN THE CHARACTER OF EXPORTS.

There are several important shifts in our foreign trade due to the war. The export of foodstuffs has immensely increased, due partially to the demoralization of Russia. There is at best no probability of Russian exports of large volume for another two or three years, not only because of the condition of agriculture but also because of the demoralization of her railways. There has been a decrease in raw cotton exports due to various causes, chiefly short production, but partly due to steady increase in our cotton manufactures.

The following table shows the quantitative movement of major agricultural exports, pre-war, and for the last two fiscal years:

	1913	1921	1922
Grain and grain products.....bushels..	258,343,629	543,375,523	544,220,964
Meats, dairy products, animal and vegetable fats.....pounds..	1,610,053,715	2,384,517,262	2,192,174,236
Tobacco, leaf.....do.....	418,798,906	496,878,830	451,555,221
Fruits.....do.....	620,423,027	675,892,338	491,227,140
Total values.....	\$453,165,897	\$1,572,636,046	\$938,223,155
Total values at 1913 prices.....	\$433,165,897	\$775,062,757	\$742,355,273
Cotton, raw.....bales..	8,724,572	5,408,986	6,541,841
Oil cake and meal.....pounds..	2,049,381,135	857,606,407	1,099,246,797
Total values.....	\$576,801,447	\$619,698,455	\$619,149,842
Total values at 1913 prices.....	\$576,801,447	\$351,629,525	\$426,165,892

About 55 per cent of our total exports are agricultural produce and raw materials, and 45 per cent are manufactured and partly manufactured goods (excluding manufactured foodstuffs).

About 75 per cent of our exports of agricultural produce and raw materials go to Europe and about 25 per cent to the rest of the world.

About 26 per cent of our manufactured goods go to Europe and 74 per cent elsewhere.

Our exports of agricultural produce comprise, roughly, 15 per cent of the entire crop value on the farm, while our exports of manufactured goods comprise less than 4 per cent of our production. Our exports of agricultural produce to Europe comprise 11 per cent of the value of our agricultural production and less than 1 per cent of our manufactured production.

This last fact has much to do with our ability to shake loose from European economic currents in the manufacturing industries, and with the strengthening of employment in our home industries we will, no doubt, increase home consumption in agricultural products.

A pronounced shift in our foreign trade during the past few years is the increasing ratio of imports from tropical countries. A study of this situation reveals that over one-half of our imports are of tropical origin (rubber, sugar, coffee, woods, etc.) as against about one-third of such imports before the war. The balance of trade is heavily against us in the Tropics as a whole. A study of the trade of these particular countries indicates that the excess of our imports from those areas over our exports to them is about \$500,000,000 per annum, which is largely used by them for the purchase of manufactured goods from Europe, thus to a considerable extent liquidating the excessive balance in our favor in our European trade, created by shipping to Europe our agricultural produce. This triangular operation seems likely to increase, as tropical goods do not materially conflict with our own production and our consumption of these commodities is likely to increase steadily.

CURRENTS IN FOREIGN TRADE.

The effect of tariff on exports: The theoretical assumption that the new tariff will so diminish our imports as to strangle the buying power of foreign countries for our exports does not seem borne out by a critical examination of the actual factors involved. Somewhere between one-third and one-half of foreign buying power for our exports is furnished by invisible exchange. Beyond this, somewhere from 49 to 55 per cent of commodities shipped to us from abroad are upon the free list (based upon application of the Fordney tariff to the 1921-22 imports, where about 60 per cent were free); thus the buying power is untrammelled up to, say, 70 to 80 per cent. The remainder of our imports which are dutiable is in large part such goods as will be imported in any event, as sugar, wool, luxuries, etc. Therefore it would not seem that the gross volume of exports would be very greatly influenced one way or another by the tariff. Generally, the volume of our imports is likely to be increased by the increasing prosperity at home.

POST OFFICE APPROPRIATION BILL.

Mr. MADDEN. I call up the bill (H. R. 13593) making appropriations for the Post Office Department for the fiscal year ending June 30, 1924, and for other purposes.

The SPEAKER. The gentleman from Illinois calls up the Post Office appropriation bill, which the Clerk will report by title.

The Clerk reported the title of the bill.

Mr. MADDEN. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendments. Is a separate vote demanded on any particular amendment?

Mr. ROUSE. Mr. Speaker, I demand a separate vote upon the amendment offered by Mr. SLEMP, of Virginia, on page 19, line 22, relative to the pneumatic tubes.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put the question on the other amendments. The question is on agreeing to the other amendments.

The other amendments were agreed to.

The SPEAKER. The Clerk will report the amendment upon which a separate vote is demanded.

The Clerk read as follows:

Amendment offered by Mr. SLEMP: Page 19, after line 22, insert: "For the transmission of mail by pneumatic tubes or other similar devices in the city of New York, including the Borough of Brooklyn of the city of New York, including power, labor, and all other operating expenses, \$513,911.50."

THE SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. ROUSE) there were—ayes 74, nays 27.

Mr. ROUSE. Mr. Speaker, I object to the vote upon the ground that there is no quorum present, and I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Kentucky makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absentees, and the Clerk will call the roll.

The Clerk called the roll; and there were—ayes 158, nays 81, not voting 192, as follows:

YEAS—158.

Ackerman	Cole, Ohio	Gifford	Humphrey, Nebr.
Andrew, Mass.	Colton	Graham, Ill.	Husted
Appleby	Cramton	Graham, Pa.	Jeffers, Nebr.
Atkeson	Crowther	Green, Iowa	Kelly, Pa.
Bacharach	Curry	Greene, Mass.	Kissel
Bankhead	Dale	Greene, Vt.	Kline, N. Y.
Barbour	Darrow	Griest	Knutson
Begg	Dickinson	Hadley	Larson, Minn.
Bird	Dupré	Hardy, Colo.	Layton
Bond	Edmonds	Haugen	Lea, Calif.
Bowers	Elliott	Hawes	Leatherwood
Brooks, Pa.	Faust	Hawley	Lee, N. Y.
Burtess	Fenn	Hersey	Lineberger
Burton	Fess	Hickey	Little
Butler	Frear	Hicks	Longworth
Cannon	Freeman	Hill	McArthur
Chandler, N. Y.	French	Himes	McLaughlin, Mich.
Chidblom	Frothingham	Hoch	McLaughlin, Pa.
Cagne	Fuller	Huck	McPherson
Cockran	Gahn	Hull	MacGregor
Cole, Iowa	Gerner		

MacLafferty
Madden
Mabee
Maloney
Mansfield
Mapes
Martin
Merritt
Michener
Mills
Mondell
Montoya
Moore, Ind.
Morin
Murphy
Nelson, Me.
Nelson, J. M.
Newton, Minn.
Norton

Ogden
Olpp
Patterson, N. J.
Perkins
Perlman
Peterson
Porter
Radcliffe
Ransley
Rayburn
Reed, W. Va.
Roach
Robison
Rogers
Sanders, Ind.
Shelton
Shreve
Siegel
Sinclair

Sinnott
Snell
Speaks
Sproul
Stafford
Steenerson
Stephens
Strong, Kans.
Strong, Pa.
Sweet
Swing
Taylor, Colo.
Taylor, Tenn.
Temple
Thorpe
Tilson
Timberlake
Tinscher
Tower

Treadway
Underhill
Upshaw
Vestal
Ward, N. Y.
Wason
Watson
Webster
White, Me.
Williams, Ill.
Williamson
Wood, Ind.
Woodruff
Woodyard
Wurzbach
Young
Zihlman

NAYS—81.

Abernethy
Almon
Anderson
Andrews, Nebr.
Aswell
Beck
Bell
Black
Bland, Va.
Blanton
Blaug
Box
Briggs
Browne, Wis.
Buchanan
Byrnes, S. C.
Byrnes, Tenn.
Carter
Collier
Collins
Cooper, Wis.

Davis, Tenn.
Dominick
Doughton
Dowell
Driver
Fairfield
Fisher
Foster
Garner
Garrett, Tenn.
Garrett, Tex.
Goldsborough
Hardy, Tex.
Hayden
Hooker
Huddleston
Jeffers, Ala.
Johnson, Ky.
Jones, Tex.
Kearns
Kincheloe

Kopp
Latham
Lankford
Larsen, Ga.
Lazaro
Lowrey
Lyon
Miller
Montague
Moore, Ohio
Moore, Va.
Morgan
Newton, Mo.
Oldfield
Oliver
Parks, Ark.
Pou
Quin
Raker
Ramseyer
Rankin

Ricketts
Rouse
Sanders, Tex.
Sandlin
Smithwick
Stegall
Stevenson
Summers, Wash.
Summers, Tex.
Swank
Thomas
Turner
Tyson
Volgt
White, Kans.
Wilson
Wingo
Wright

NOT VOTING—192.

Ansorge
Anthony
Arentz
Barkley
Beedy
Benham
Bixler
Blakeney
Bland, Ind.
Boles
Brand
Brennan
Britten
Brooks, Ill.
Brown, Tenn.
Bulwinkle
Burdick
Burke
Burrighs
Cable
Campbell, Kans.
Campbell, Pa.
Cantrill
Carew
Chalmers
Chandler, Okla.
Christopherson
Clark, Fla.
Clarke, N. Y.
Closson
Clouse
Codd
Connally, Tex.
Connolly, Pa.
Cooper, Ohio
Copley
Coughlin
Crago
Crisp
Cullen
Dallinger
Davis, Minn.
Deal
Dempsey
Denison
Drane
Drewry
Dunbar

Dunn
Dyer
Echols
Ellis
Evans
Fairchild
Fayrot
Fields
Fish
Fitzgerald
Focht
Fordney
Free
Fulmer
Funk
Gallivan
Gensman
Gilbert
Glynn
Goodykoontz
Gorman
Gould
Griffin
Hammer
Hays
Herrick
Hogan
Hudspeth
Hukriede
Humphreys, Miss.
Hutchinson
Ireland
Jacoway
James
Johnson, Miss.
Johnson, S. Dak.
Johnson, Wash.
Jones, Pa.
Kahn
Keller
Kelley, Mich.
Kendall
Kennedy
Ketcham
Kiess
Kindred
King
Kirkpatrick

Kitchin
Klecza
Kline, Pa.
Knight
Kreider
Kunz
Lampert
Langley
Lawrence
Lee, Ga.
Lehlbach
Linthicum
Logan
London
Luce
Luhring
McClintic
McCormick
McDuffie
McFadden
McKenzie
McLaughlin, Nebr.
McSwain
Mead
Michaelson
Moore, Ill.
Mott
Mudd
Nelson, A. P.
O'Brien
O'Connor
Osborne
Overstreet
Paige
Park, Ga.
Parker, N. J.
Parker, N. Y.
Patterson, Mo.
Paul
Pringley
Purnell
Rainey, Ala.
Rainey, Ill.
Reber
Rece
Reed, N. Y.
Rhodes
Riddick

Riorlan
Robertson
Rodenberg
Rose
Rosenbloom
Rossdale
Rucker
Ryan
Sabath
Sanders, N. Y.
Schall
Scott, Mich.
Scott, Tenn.
Sears
Shaw
Sisson
Slomp
Smith, Idaho
Smith, Mich.
Snyder
Stedman
Stiness
Stoll
Sullivan
Tague
Taylor, Ark.
Taylor, N. J.
Ten Eyck
Thompson
Tinkham
Tucker
Vaile
Vinson
Volk
Volstead
Walters
Ward, N. C.
Weaver
Wheeler
Williams, Tex.
Winslow
Wise
Woods, Va.
Wyant
Yates

So the amendment was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Paul with Mr. McClintic.

Mr. Crago with Mr. Sisson.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. STEENERSON. Mr. Speaker, I offer the following motion to recommit.

Mr. BLANTON. Mr. Speaker, I also have a motion to recommit if the gentleman is not against the bill. I am against the bill.

The SPEAKER. Is the gentleman from Minnesota against the bill?

Mr. STEENERSON. Well, as at present I prefer to have it amended.

Mr. BLANTON. If the gentleman's motion is the same as mine, I prefer to have him make it.

Mr. STEENERSON. I do not want to contend with the gentleman from Texas.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. STEENERSON moves to recommit the bill H. R. 13593 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment, to wit: On page 11, line 10, strike out "\$4,250,000" and insert in lieu thereof "\$4,750,000," so that as amended the paragraph will read as follows: "For allowances to third-class post offices to cover cost of clerical services, \$4,750,000."

Mr. BLANTON. That motion is the same as mine, hence I withdraw my motion to recommit, which likewise offers relief to clerks in third-class post offices.

Mr. MADDEN. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit. The question was taken, and the Speaker announced the yeas seemed to have it.

On a division (demanded by Mr. BLANTON) there were—ayes 6, noes 92.

Mr. BLANTON. Mr. Speaker, I object to the vote and make the point of no quorum. This is for the rural people.

The SPEAKER. It is clear there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 94, nays 145, not voting 190, as follows:

YEAS—94.

Almon	Dupré	McLaughlin, Mich.	Shaw
Andrews, Nebr.	Fisher	McLaughlin, Pa.	Sinclair
Aswell	Foster	Mansfield	Sinnott
Bankhead	Garrett, Tex.	Michener	Smithwick
Beck	Goldsborough	Moore, Ohio	Steenerson
Bell	Hardy, Colo.	Moore, Va.	Stevenson
Benham	Hayden	Moores, Ind.	Swank
Bird	Huddleston	Morgan	Sweet
Bland, Va.	Hull	Nelson, J. M.	Swing
Blanton	Jeffers, Ala.	Oliver	Taylor, Colo.
Bowling	Jones, Tex.	Olpp	Thomas
Box	Kearns	Parks, Ark.	Thorpe
Briggs	Kelly, Pa.	Petersen	Tincher
Browne, Wis.	Knutson	Pou	Tyson
Carter	Kopp	Quin	Upshaw
Clague	Lampert	Ramseyer	Vaile
Cole, Ohio	Lanham	Rankin	Vinson
Collier	Lankford	Reece	Volgt
Collins	Larsen, Ga.	Reed, W. Va.	Volstead
Cooper, Ohio	Lazaro	Ricketts	Williams, Ill.
Cooper, Wis.	Lineberger	Rouch	Wingo
Curry	Lowrey	Rouse	Wurzbach
Dowell	Lyon	Sanders, Tex.	
Driver	McClintic	Sandlin	

NAYS—145.

Abernethy	Fenn	Layton	Rogers
Ackerman	Fess	Lea, Calif.	Rosenbloom
Anderson	Fitzgerald	Leatherwood	Sanders, Ind.
Andrew, Mass.	Freeman	Lee, N. Y.	Shelton
Appleby	French	Little	Shreve
Bacharach	Frothingham	Longworth	Siegel
Barbour	Fuller	McKenzie	Sisson
Begg	Gahn	McLaughlin, Nebr.	Snell
Black	Garner	McPherson	Speaks
Bond	Garrett, Tenn.	MacGregor	Sproul
Bowers	Gerner	MacLafferty	Stafford
Brooks, Pa.	Gifford	Madden	Staggall
Buchanan	Graham, Ill.	Magee	Stephens
Burtess	Graham, Pa.	Maloney	Strong, Kans.
Burton	Green, Iowa	Mapes	Strong, Pa.
Butler	Greene, Mass.	Merritt	Summers, Wash.
Byrnes, S. C.	Greene, Vt.	Miller	Summers, Tex.
Byrnes, Tenn.	Griest	Mills	Temple
Cannon	Hadley	Mondell	Tilson
Chandler, N. Y.	Hawes	Montague	Timberlake
Chindblom	Hawley	Montoya	Towner
Cockran	Henry	Morin	Treadway
Cole, Iowa	Hersey	Murphy	Turner
Colton	Hickey	Nelson, Me.	Underhill
Cramton	Hicks	Newton, Minn.	Vestal
Crowther	Hill	Newton, Mo.	Wason
Dale	Himes	Norton	Watson
Darrow	Hoch	Ogden	Webster
Davis, Tenn.	Hooker	Oldfield	Webster, Kans.
Denison	Huck	Parker, N. J.	White, Me.
Dickinson	Humphrey, Nebr.	Patterson, N. J.	Williamson
Dominick	Husted	Perkins	Wood, Ind.
Doughton	Jeffers, Nebr.	Perlman	Woodruff
Edmonds	Kincheleoe	Radcliffe	Young
Elliot	Kissel	Ransley	
Fairfield	Kline, N. Y.	Rhodes	
Faust	Kraus	Robison	

NOT VOTING—190.

Ansoorge	Echols	Kirkpatrick	Riordan
Anthony	Ellis	Kitchin	Robertson
Arentz	Evans	Klecza	Rodenberg
Atkeson	Fairchild	Kline, Pa.	Rose
Barkley	Favrot	Knight	Rossdale
Beedy	Fields	Kreider	Rucker
Bixler	Flah	Kunz	Ryan
Blakeney	Focht	Langley	Sabath
Bland, Ind.	Fordney	Larson, Minn.	Sanders, N. Y.
Boies	Frear	Lawrence	Schall
Brand	Free	Lee, Ga.	Scott, Mich.
Brennan	Fulmer	Lehlbach	Scott, Tenn.
Britten	Funk	Linthicum	Sears
Brooks, Ill.	Gallivan	Logan	Slemp
Brown, Tenn.	Gensman	London	Smith, Idaho
Bulwinkle	Gilbert	Luce	Smith, Mich.
Burdick	Glynn	Luhning	Snyder
Burke	Goodykoontz	McArthur	Stedman
Burroughs	Gorman	McCormick	Stiness
Cable	Gould	McDuffie	Stoll
Campbell, Kans.	Griffin	McFadden	Sullivan
Campbell, Pa.	Hammer	McSwain	Tague
Cantrill	Hardy, Tex.	Martin	Taylor, Ark.
Carew	Haugen	Mead	Taylor, N. J.
Chalmers	Hays	Michaelson	Taylor, Tenn.
Chandler, Okla.	Herrick	Moore, Ill.	Ten Eyck
Christopherson	Hogan	Mott	Thompson
Clark, Fla.	Hudspeth	Mudd	Tillman
Clarke, N. Y.	Hukriede	Nelson, A. P.	Tinkham
Classon	Humphreys, Miss.	O'Brien	Tucker
Clouse	Hutchinson	O'Connor	Volk
Codd	Ireland	Osborne	Walters
Connally, Tex.	Jacoway	Overstreet	Ward, N. Y.
Connolly, Pa.	James	Paige	Ward, N. C.
Copley	Johnson, Ky.	Park, Ga.	Weaver
Coughlin	Johnson, Miss.	Parker, N. Y.	Wheeler
Crago	Johnson, S. Dak.	Patterson, Mo.	Williams, Tex.
Crisp	Johnson, Wash.	Paul	Wilson
Cullen	Jones, Pa.	Porter	Winslow
Dallinger	Kahn	Pringley	Wise
Davis, Minn.	Keller	Purnell	Woods, Va.
Deal	Kelley, Mich.	Rainey, Ala.	Woodyard
Dempsey	Kendall	Rainey, Ill.	Wright
Drane	Kennedy	Raker	Wyant
Drewry	Ketcham	Rayburn	Yates
Dunbar	Kiess	Reber	Zihlman
Dunn	Kindred	Reed, N. Y.	
Dyer	King	Riddick	

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Atkeson with Mr. Cantrill.

Mr. Johnson of South Dakota with Mr. Rayburn.

Mr. Taylor of Tennessee with Mr. Favrot.

Mr. Yates with Mr. Martin.

Mr. Chandler of Oklahoma with Mr. Raker.

Mr. Mott with Mr. Johnson of Kentucky.

Mr. Mudd with Mr. Hardy of Texas.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present, and the Doorkeeper will open the doors.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. MADDEN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

NAVAL APPROPRIATION BILL.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 13374, the naval appropriation bill, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the naval appropriation bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I notice the Senate has increased the appropriation for the training of Naval Reserve officers a million dollars. When that item was under consideration in the House attention was directed to the fact that the Naval Reserve Force was getting two or three times what was provided for similar service in the Army. I do not think such a large increase can be justified at all. I shall not ask for a separate vote on this item, but shall expect, judging from the remarks made by the chairman of the subcommittee, that he is not in sympathy with it and will protest to the utmost against the allowance of this extravagant increase.

Mr. MADDEN. I will make this statement to the gentleman from Wisconsin: After I saw what the Senate did on this matter and heard the rumor that it was likely that the Secretary of the Navy might restore the reserves to the pay roll, I wrote him a letter to the effect that I hoped he would not do anything of that sort until this bill became a law, because we did not know what it might contain, or whether it would con-

tain anything. I will say to the gentleman that I am not friendly to the item, and I will do my best.

Mr. STAFFORD. If the gentleman does his best, I know it will not be included in the bill.

Mr. BLANTON. Reserving the right to object, Mr. Speaker, may I ask the gentleman from Illinois whether or no any of the so-called Britten rehabilitation program has been placed by the Senate in this bill?

Mr. MADDEN. No.

Mr. BLANTON. Would the gentleman mind giving us his attitude on that so-called rehabilitation plan?

Mr. MADDEN. I think it is before the Committee on Appropriations now, and I would not like to commit the Committee on Appropriations by making any statement.

Mr. BLANTON. Until the gentleman converses with them?

Mr. MADDEN. Until I see them.

Mr. LINEBERGER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if he knows whether the words "as soon as practicable" have been inserted in the last paragraph of the bill—the so-called Kelley paragraph? The subchairman stated on the floor, I believe, that he intended to have them put it in if possible.

Mr. MADDEN. I do not know as to that.

Mr. BUTLER. There is no change whatsoever in the paragraph.

Mr. MADDEN. I do not think it is in controversy.

The SPEAKER. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. KELLEY of Michigan, Mr. FRENCH, Mr. MADDEN, Mr. BYRNES of South Carolina, and Mr. OLIVER.

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman withhold that motion?

Mr. MADDEN. Yes.

Mr. GARRETT of Tennessee. I ask unanimous consent, Mr. Speaker, to address the House for two minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

ROBERT B. GORDON.

Mr. GARRETT of Tennessee. Mr. Speaker, the news reached the House upon its assembling at noon that Mr. Robert B. Gordon, familiarly known to most of the Members of the House as "Bob" Gordon, died in this city last night while on a visit here. Mr. Gordon was a Representative from Ohio in the Fifty-sixth and Fifty-seventh Congresses. Subsequently he became Sergeant at Arms of the House of Representatives, serving in that capacity for eight years. The news of his death will, I know, come to those Members who knew him with the very greatest regret.

He was a man of lovable character, full of accommodation for all men, all Members, irrespective of party; genial, lovable, fine in every respect. The unusual esteem in which he was held by the House and the love and affection that were entertained for him by all Members, as I frequently heard it expressed during the days of his service as Sergeant at Arms, causes me to feel justified in making this statement.

Mr. MONDELL. Mr. Speaker, those of us who served with Mr. Gordon in the House remember him as a very faithful and very efficient Member, and those of us who were Members during the period when he was an officer in the House recall his services in that capacity as of the finest character. He was always faithful, always considerate, and was in all respects a public servant of the very best character. We all very greatly regret his passing away.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that on January 2 they had presented to the President of the United States, for his approval, the following bills:

H. R. 13232. An act making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1924, and for other purposes;

H. R. 13180. An act making appropriations for the Treasury Department for the fiscal year ending June 30, 1924, and for other purposes; and

H. R. 13346. An act making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1924, and for other purposes.

ADJOURNMENT.

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Thursday, January 4, 1923, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

858. A letter from the Secretary of Commerce, transmitting copies of two proposed bills, one authorizing the acquisition by the Secretary of Commerce of additional land for the enlargement of the present site of the Bureau of Standards and the other authorizing the construction of a power-plant building on the present site of that bureau; to the Committee on Public Buildings and Grounds.

859. A letter from the Secretary of War, transmitting a letter from the Governor of the Panama Canal recommending legislation which will enable the President to lease the oil and coaling plants at Cristobal and Balboa, Canal Zone, to private parties; to the Committee on Interstate and Foreign Commerce.

860. Letters from the Postmaster General and the Secretary of the Treasury, transmitting recommendations for a Federal building program throughout the United States, and submitting a table showing the number of leases and approximately the amount of rents paid for buildings for Federal use (H. Doc. No. 523); to the Committee on Public Buildings and Grounds and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FESS: Committee on the Library. S. J. Res. 251. A joint resolution providing for the filling of two vacancies that will occur on January 14, 1923, and March 1, 1923, respectively, in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress; without amendment (Rept. No. 1324). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KRAUS: Committee on Naval Affairs. H. R. 1887. A bill for the relief of Milton M. Fenner; without amendment (Rept. No. 1323). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 13357) granting a pension to Susan V. Payne, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BOX: A bill (H. R. 13628) to limit the immigration of aliens into the United States; to the Committee on Immigration and Naturalization.

By Mr. KELLY of Pennsylvania: A bill (H. R. 13629) for the purchase of a site and the erection thereon of a public building at Wilkesburg, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. LEHLBACH: A bill (H. R. 13630) grading civil employees of the Government of the United States engaged in the maintenance and care of public buildings outside of the District of Columbia, and providing for salary schedules for such grades; to the Committee on Reform in the Civil Service.

By Mr. BALDWIN: A bill (H. R. 13631) to amend an act entitled "An act to amend an act entitled 'An act to provide a government for the Territory of Hawaii,' approved April 30, 1900, as amended, to establish an Hawaiian Homes Commission, granting certain powers to the board of harbor commissioners of the Territory of Hawaii, and for other purposes," approved July 9, 1921; to the Committee on the Territories.

By Mr. LITTLE: A bill (H. R. 13632) to perfect the revision of the laws of the United States, known as the Code of the Laws of the United States and as H. R. 12; to the Committee on Revision of the Laws.

By Mr. TURNER: A bill (H. R. 13633) to amend section 213, subsection (b), paragraph (3), of the revenue act of 1921, by

adding to said paragraph "Also the value of the direct products of the soil in the hands of the producer or the proceeds of the sale of such products in the hands of the producer thereof to the value and amount of \$5,000"; to the Committee on Ways and Means.

By Mr. BURTNESS: A bill (H. R. 13634) for the purchase of a Federal building site at Fargo, N. Dak.; to the Committee on Public Buildings and Grounds.

By Mr. WURZBACH: A bill (H. R. 13635) for the acquisition of additional ground and the erection thereon of a public building or an addition to the present public building in San Antonio, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. GREEN of Iowa: A bill (H. R. 13636) to amend the Victory liberty loan act; to the Committee on Ways and Means.

By Mr. SINNOTT: A bill (H. R. 13637) to extend the time for the construction of a bridge over the Columbia River at a point approximately 5 miles upstream from Dallas City, Wasco County, in the State of Oregon, to a point on the opposite shore in the State of Washington; to the Committee on Interstate and Foreign Commerce.

By Mr. FOCHT: A bill (H. R. 13638) to amend an act of Congress approved June 18, 1898, entitled "An act to regulate plumbing and gas fitting in the District of Columbia"; to the Committee on the District of Columbia.

By Mr. RAMSEYER: A concurrent resolution (H. Con. Res. 78) creating a commission to be known as the joint commission on national defense; to the Committee on Rules.

By Mr. HILL: A resolution (H. Res. 477) directing the Judiciary Committee of the House to investigate certain charges purporting to have been written by WILLIAM D. UPSHAW, a Representative from Georgia, regarding the enforcement of prohibition, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHARACH: A bill (H. R. 13639) for the relief of Lee C. Davis; to the Committee on Claims.

By Mr. CURRY: A bill (H. R. 13640) granting a pension to Edward Powell; to the Committee on Invalid Pensions.

By Mr. FUNK: A bill (H. R. 13641) for the relief of James R. Sutton; to the Committee on Claims.

By Mr. GENSMAN: A bill (H. R. 13642) granting an increase of pension to Peter F. Weasel; to the Committee on Pensions.

By Mr. JAMES: A bill (H. R. 13643) granting a pension to Henry F. Hoffman; to the Committee on Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 13644) to provide an examination and survey of Grays River, Wash.; to the Committee on Rivers and Harbors.

By Mr. KELLY of Pennsylvania: A bill (H. R. 13645) granting a pension to Mary M. Barnett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13646) for the relief of L. A. Levin; to the Committee on Claims.

By Mr. KNUTSON: A bill (H. R. 13647) granting an increase of pension to Horace G. Butterfield; to the Committee on Pensions.

By Mr. LITTLE: A bill (H. R. 13648) granting a pension to William H. Stark; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 13649) granting a pension to Mary A. Hopkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13650) for the relief of the United Theaters Co.; to the Committee on Claims.

By Mr. NORTON: A bill (H. R. 13651) granting a pension to Leonard G. Foster; to the Committee on Invalid Pensions.

By Mr. SWANK: A bill (H. R. 13652) for the relief of John Mehan; to the Committee on Military Affairs.

Also, a bill (H. R. 13653) for the relief of Ruthie J. Nance, widow of Isaac N. Nance; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6723. By Mr. BURTNESS: Petition of members of Lebanon Lodge, No. 34, Ancient Free and Accepted Masons, Langdon, N. Dak., urging favorable consideration of the Towner-Sterling bill; to the Committee on Education.

6724. Also, petition signed by residents of Durbin, N. Dak., urging aid for poverty-stricken populace of German and Austrian Republics; to the Committee on Foreign Affairs.

6725. Also, petition of members of Lebanon Lodge, No. 34, Ancient Free and Accepted Masons, Langdon, N. Dak., urging

favorable consideration of Towner-Sterling bill; to the Committee on Education.

6726. Also, petition signed by residents of Casselton, N. Dak., urging aid for poverty-stricken populace of German and Austrian Republics; to the Committee on Foreign Affairs.

6727. By Mr. ELLIOTT: Petition of Omer E. Hey, Richard Roby, Addison Roby, Homer Ramey, Otto Jones, Thomas Simmons, Ralph Burleson, Lon Wood, Frank Smith, Ray W. Davis, Earl Fort, John A. Trowse, Clarence Holliday, Walter E. Woods, Gail Smoker, George W. Weber, Frank Hale, Harvey Woods, C. M. Lybrook, Charles Colvin, Walter Wissler, Harry Lambert, William Plankenharn, Rube Paddock, John Holler, Lawrence Burcham, James O. Burrsi, John A. Weber, H. B. Hamilton, C. E. Ham, Bert Wolting, Charles J. Kauffman, Lester Stinson, Lawrence Wissler, Thomas Chappelow, O. E. Saxton, Alden Naylor, Loat Shay, Joseph H. Weiss, Earl C. Leab, and Henry Bockos, to abolish discriminatory tax on small-arms ammunition and firearms; to the Committee on Ways and Means.

6728. By Mr. FAUST: Petition of Mother Dolorosa and associates of the convent at Clyde, Mo., to extend relief to the peoples of the German and Austrian Republics; to the Committee on Foreign Affairs.

6729. By Mr. GRIEST: Petition of Claude V. Bender and others, residents of Penryn, Pa., to abolish discriminatory tax on small-arms ammunition and firearms; to the Committee on Ways and Means.

6730. Also, petition of J. H. Keener and other residents of Maytown, Pa., to abolish discriminatory tax on small-arms ammunition and firearms; to the Committee on Ways and Means.

6731. By Mr. KIESS: Petition of sundry residents of Sal-ladashburg, Pa., against tax on firearms and small-arms ammunition; to the Committee on Ways and Means.

6732. Also, evidence in support of House bill 13248, granting an increase of pension to Mary Marley; to the Committee on Invalid Pensions.

6733. By Mr. KISSEL: Petition of Frances T. Nash, State regent, New York Daughters of the American Revolution, relative to the \$500,000 fund now available in the War Department and urging immediate sum of \$6,000 to save the historic castle; to the Committee on Military Affairs.

6734. By Mr. McLAUGHLIN of Michigan: Petition of sundry citizens of Muskegon, Mich., to abolish discriminatory tax on small-arms ammunition and firearms; to the Committee on Ways and Means.

6735. By Mr. ROGERS: Petition of sundry citizens of the State of Massachusetts to abolish discriminatory tax on small-arms ammunition and firearms; to the Committee on Ways and Means.

6736. By Mr. ROUSE: Petition of South Gate Club, of Cincinnati, Ohio, in favor of the Towner-Sterling bill; to the Committee on Education.

6737. By Mr. SMITH of Idaho: Petition of sundry citizens of Pocatello, Idaho, indorsing the Smith-McNary reclamation bill; to the Committee on Irrigation of Arid Lands.

6738. By Mr. TEMPLE: Petition of American citizens of Ukrainian origin as result of mass meeting held December 17, 1922, at McKees Rocks, Pa., relating to conditions in East Galicia; to the Committee on Foreign Affairs.

SENATE.

THURSDAY, January 4, 1923.

(Legislative day of Wednesday, January 3, 1923.)

The Senate met at 12 o'clock meridian on the expiration of the recess.

The VICE PRESIDENT. The Senator from Texas [Mr. SHEPPARD] is entitled to the floor on the unfinished business, House bill 12817.

Mr. SMOOT. Will the Senator from Texas yield to me to present a report? I will say to the Senator that it will take me about 10 minutes.

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Utah for the purpose indicated?

Mr. SHEPPARD. I yield.

REPORT OF PUBLIC BUILDINGS COMMISSION.

Mr. SMOOT. Mr. President, I present a report from the Public Buildings Commission. The commission instructs me as its chairman to submit the following report to the Senate:

Since making its last report on June 3 this year the Public Buildings Commission has effected one conspicuous saving in the